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Consideration of reports submitted by States parties under article 44 of the Convention

Fourth periodic reports of States parties due in 2011

Georgia*

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I. Introduction

1. This is the 4th Periodic Report of Georgia submitted under the Article 44 of the Convention on the Rights of the Child (CRC). The present Report covers the period from the submission of the third report in August 2007 and up to 2013 inclusive.

2. This report has been drawn up in the form and scope specified in the General Guidelines (CRC/C/58/Rev.2, 23 November 2010) of the Committee. In the course of the preparation of the present report, the Concluding Observations (CRC/C/GEO/CO/3) of the Committee were taken into consideration.

3. The report has been prepared by the Ministry of Foreign Affairs of Georgia in cooperation with the Ministry of Justice of Georgia, the Ministry of Internal Affairs of Georgia, the Ministry of Labour, Health and Social Affairs of Georgia, the Ministry of Corrections and Legal Assistance of Georgia,[1] the Ministry of Internally Displaced Persons from Occupied Territories, accommodation and refugees of Georgia, the Ministry of Education and Science of Georgia, the Ministry of Culture and Monument Protection of Georgia, the Ministry of Sport and Youth Affairs of Georgia, Office of the State Minister of Georgia for Reintegration,[2] the Supreme Court of Georgia, the High Council of Justice of Georgia, the Gender Equality Council of the Parliament of Georgia, the Inter-agency Council on Prevention of Domestic Violence and the. In conjunction with the paragraph 80 of the Concluding Observations (CRC/C/GEO/CO/3) of the Committee, the Concluding Observations have been transmitted to the abovementioned agencies.

4. Furthermore, the draft report has been submitted to the Public Defender's Office of Georgia for comments, remarks and observations. The Government of Georgia has taken into consideration most of the suggestions made by the Public Defender's Office.

5. Finally, the Georgian Government particularly thanks United Nations Children's Fund's (UNICEF) Mission in Georgia for the cooperation and assistance provided in finalizing the present report.

II. Violation of the Rights of the Child in the Occupied Regions of Georgia and the Programs of the Government of Georgia Addressing the Needs of the Children in the Occupied Regions

Introduction

6. Information below covers violations of the rights of the child in the occupied regions of Georgia in the two-year period of 2012-2013. However, many trends identified in the document date back to more than a decade, but have become particularly manifest after the Russian occupation of the Abkhazia and Tskinvali regions in 2008. The Russian troops drawing barbed wire fences, digging trenches and erecting other physical barriers along the Administrative Boundary Lines (hereinafter ABL) near Abkhazia and Tskhinvali Region became commonplace and intense throughout 2012. As a result, lives of residents in the occupied regions and those living in the vicinity, including children, have been adversely

[1] The name of the "Ministry of Corrections and Legal Assistance of Georgia" has changed to "Ministry of Corrections of Georgia", therefore "MCLA" to "MoC" since January, 2014.

[2] Currently renamed as the Office of the State Minister of Georgia for Reconciliation and Civic Equality.

affected. Even worse, children of Georgian descent, mostly those living in the Gali district in Abkhazia, have been targeted on ethnic grounds. Violations of the rights of the child in the Occupied Regions have taken place in the fields of freedom of movement, freedom of expression, preservation of identity, protection of privacy, health and education, and constitute a grave breach of the Convention on the Rights of the Child. The matter of fact that the effective control over these Georgian territories is now exercised by the Russian military and the political officialdom, puts the responsibility over these violations on the shoulders of the Russian Federation as the subject of international law.

7. At the same time, the Government of Georgia has been pursuing the Engagement Strategy and Action Plan (2010), which provide for inter alia educational and healthcare opportunities for the residents of the occupied regions, including children.

Restrictions on the Freedom of Movement and the Right to Healthcare

8. The restrictions imposed on movement across the ABLs in Abkhazia and Tskhinvali regions (such as barbed wire fences, trenches, fortification of bypass routes, requirements to present various documents, etc.) by the Russian border guards have affected persons traveling between Abkhazia and Tskhinvali region and the rest of Georgia, many of them children.

9. In 2012-2013, such restrictions caused 2 fatalities and other near-fatal outcomes among children. In July and August 2012, a 6-year-old and a 13-year-old child respectively died as the ambulance van carrying the child was unable to pass due to the long queues at the so-called "Russian-Abkhazian state border". Before going to Russia, the parents of the children first tried to cross the Enguri River at the ABL in order to reach much closer hospitals in the rest of Georgia, but were denied access by the Russian so-called "border guards".

10. At the end of January 2013, the parents of a 2-year-old who got over 60% of the body burnt had to use bypass routes to get the child to the territory controlled by the Government of Georgia, only because the so-called Russian "border guards" prohibit border-crossing without certain documents. By the time the child was admitted to the hospital, the child's condition had gone critical.

Restrictions on the Right to Education on Ethnic Grounds

11. Restrictions on the children's right to education are imposed in several forms, ranging from restrictions regarding documentation and choice of schools to violations of the rights of teachers, pupils and parents on ethnic grounds.

12. To begin with, the pupils of the Gali district holding Georgian birth certificates[3] are deprived of their fundamental right to study in native language and are treated as "foreigners" in occupied Abkhazia. Since the academic year 2013-2014 has been started, the situation in Gali district has worsened. The parents of the children who attended the newly-opened kindergarten in the town of Gali were instructed to obtain so called "Abkhazian birth certificates" for their kids, in the absence of which they would be expelled. This kindergarten is attended by 27 kids registered with Georgian birth certificates. On October 7, the director of kindergarten dismissed the children with such birth certificates. After the parents were forced to translate these documents and have them

[3] The birth certificates since 2006 are issued by the Ministry of Justice (the Justice Houses) mostly in Zugdidi.

certified by the notary, their kids were admitted to the kindergarten, but up till now are they are under constant threat of being expelled unless they provide the "Abkhazian birth certificates".

13. The children with Georgian birth certificates remain registered not only in kindergartens, but also in schools, providing general education. The parents are advised by the Abkhazian *de facto* administration to translate these documents into Russian and have them certified by the notary. This "rule" applies to all pupils in general. On October 3, the Georgian teachers were ordered by A. K., Director of Secondary School N2 of Gali and a member of the so-called Parliament, to solve this issue through setting the rules of obtaining so-called "Abkhazian birth certificates", which financially is costly, amounting to 20-30 thousand rubles.

14. It has to be mentioned that Georgian birth certificates are transferred to the Russian FSB and the persons in question remain subject of close scrutiny. As these certificates indicate the ID codes of the parents, the received information is used for reprisal which could also imply the scrapping of the so-called "Abkhazian passports" of these persons. 102 Georgian birth certificates are already expropriated from Secondary School N2 of Gali.

15. In addition to the issue of birth certificates, the lack of so-called "Abkhazian passports" creates problems of movement for Georgian teachers. Russian "border guards" continue detaining them for the reason of "illegal border crossing". After being taken to the Russian military bases teachers are placed in special bunkers or disciplinary cells for the whole day. Then they are sent to Gali militia office in order to pay fines of various amounts. Detentions are carried out on an almost daily basis.

16. On October 3, during the meeting of teachers, A. K., Director of Secondary School N2 of Gali demanded the staff to submit the letter of refusal of Georgian citizenship from the Ministry of Justice of Georgia; otherwise they would be disabled to have passports and would be dismissed. Also, she asked categorically to refuse the Georgian financial and IDP assistance. She set the deadline of November 1 for the submission of such documents for the teachers. As for now, the decision is still valid.

17. The lack of "Abkhazian passports" also creates problems of movement for parents; for this reason, during the current academic year the pupils from Gali district haven't moved into various public schools of Georgia. Also, if parents do not have the "Abkhazian citizenship" and "passport", their children are denied right to attend any of the schools located in the occupied Gali or Tkvarcheli disricts. This academic year such children were refused to be registered to the first grade.

18. The Georgian teachers working in schools on the territory of Gali district were instructed by the Gali administration and so-called "Security Services" to break all relations with the Georgian side, including refusing Georgian finances, training, textbooks, the credit/debit cards, etc.

19. On November 25, Ms. T. L., a teacher of mathematics of Sida Public School, was kidnapped from her own house. The perpetrators got in touch with the family of L. and demanded 50,000 (currency unknown) as a ransom. She was released by the criminals after 2 days of detention after realizing she might have died from the heart attack. According to the recent information, T. L. was taken to hospital in Kutaisi where she underwent medical treatment. She feels herself better for now, though she is still in a very desperate situation and is not able to continue her professional activities.

20. The de-facto authorities show their utter resentment for the fact that school graduates of Gali district are applying to the various higher educational institutions in

Georgia.[4] According to the locals, these students are warned they won't be given an opportunity to get a job in Abkhazia, unless they are graduates of "Sukhumi State University".

21. The Georgian teachers are still forced to "upgrade the level of their qualification" at an expensive, three-year Russian humanities college in Gali in order to continue their professional activities.

22. On September 30, the *de facto* authorities celebrated the "Day of Victory" all across Abkhazia through different ways. In Gali, the pupils and teachers from all villages were forced to decorate the "Memorial of Abkhazian Heroes" with flowers and bouquets. The children were instructed to sing and dance into Russian or Abkhazian. This concert was running in a pouring rain. Before the event, all schools were ordered to prepare the concert parts, whilst the history teachers were compelled to submit 10 page-long researches on the achievements of the former *de facto* President of Abkhazia, Vladislav Ardzinba.

Restriction of Education in Native Language; Illegal Detentions of Pupils and Teachers

23. In the schools of the Gali district, predominantly inhabited by ethnic Georgians, studies in or of the Georgian language is either totally prohibited or allowed for a limited period of time. The Georgian language is replaced by the teaching of the Russian language. Georgian teachers have no other way but to teach Georgian informally at their own personal risk and those teachers or pupils who are found to be "implicated" in teaching/learning Georgian (e.g. by carrying a Georgian textbook) are often subject to physical assault. As a result, pupils have to walk from the occupied region through unsafe routes to study in Georgian schools in the Zugdidi district kilometers away. In some cases, Georgian pupils have to go to nearby schools that happen to be on the occupied territory. However, pupils and teachers face increasing difficulties and are often detained when moving across the ABL or via the bypass routes between the occupied regions and the rest of Georgia to pursue studies/teaching.

24. The situation at ABL near Tsalenjikha is especially uneasy. Each year the children from Gvashgverdi settlement and Rikhe of Saberio in Gali district go to the villages of Tskoushi and Pakhulani of Tsalkenjikha for studying (this year Public School of Tskoushi has 28 registered pupils, whilst Pakhulani School has 9 registered pupils). The children have refused to continue studies at Saberio school because this Georgian school has been restructured as Russian school and the academic process runs into Russian, whilst the Georgian language is instructed in limited time, with a secondary or foreign language status. In September, the Russian military servicemen who control the checkpoint prevented the children from crossing the so-called "border" to attend the classes in Tskoushi. Only 8 children tried to use the "illegal" and unsafe routes (via woods) to across. According to the information provided by V. G., director of the Public School of Tskoushi, 25 pupils of Saberio school started attending classes in Tskoushi as of late Ocotober.

25. Prior and after the conflict of the 90s, pupils of settlement Nakarghali, of village Pichori, have been attending the secondary school of Ganmukhuri, Zugdidi district which is located 2-2,5 km from their village. Nearly 30 pupils are not allowed to cross the check-point by Russian occupation forces without obtaining special permits. For this reason, 10 pupils are forced to attend classes in the secondary school of Pichori – 7-8 km from their settlement. It has to be mentioned that this area is all covered by dense wood and is

[4] In 2013, 60 applicants were enrolled in Georgian academic institutions.

extremely unsafe to move across. The other 20 children continue using "illegal" pathways on a daily basis in order to attend various public schools of Zugdidi district. Sometimes they stay with their relatives in Zugdidi district.

26. On the morning of December 10, 2013, the residents of village Saberio, Gali district, underage children D. and Z. A. were detained by Russian FSB border guards for so-called "illegal border crossing" reasons in the area of so called "Ghvazhgverdi" main road to Tsalenjikha district (Saberio, Gali district). The children tried to use "illegal" pathways to attend classes in Pakhulani Secondary School. First they were taken to the Russian military base and later – to the "State Security Office" in Gali. Russian servicemen strictly warned Z. A. and D. A. not to use the same roads again; otherwise they would take appropriate measures. The children were released the same day, though since then they haven't been attending classes.

27. The Russian military that control the Khurcha-Nabakevi checkpoint prevent the children—residents of the village Khurcha—from crossing the so called "border" to attend the classes in Secondary School N13 of Nabakevi. In late October 2013, 28 pupils of various age categories were denied access to attend Nabakevi Secondary School by the Russian so called "border guards". They were charged with "illegal border crossing". For this reason, 17 pupils were forced to continue attending classes in various public schools of Zugdidi. However, 11 pupils refused to move to other schools and were waiting for "permission" to continue studies. The list of children, along with their Georgian birth certificates translated into Russian and certified by the notary, were sent to Gali "Security Services" for further scrutiny. According to the recent information, these 11 pupils were refused to get so called permits to be able to cross the checkpoint, whereas their parents who don't have so called "Abkhaz passports" were advised by the Abkhaz Administration to get their children a new school in Zugdidi. In particular, Beslan Arshba, the so-called Head of the Gali Administration stated during the meeting with Georgian parents in early November that locals should stop "living in two republics simultaneously" and once and for all "choose either to live in Abkhazia or in Georgia". Consequently, the parents did not have other option but to register their children in the various secondary schools of Zugdidi district. According to Ms. D. T., director of a secondary school in the village Koki, Zugdidi district, 5 pupils have already been admitted to the school of Koki which is located approximately 3 km from the village Khurcha. The other 6 pupils continue using unsafe routes (via woods) to cross the so called "border" in order to attend classes in Nabakevi School.

28. On October 17, 2013, the residents of the village Khurcha, Zugdidi district, under ages Ni. and Na. M. were detained by Russian FSB border guards for "illegal border crossing" reasons in the area of so-called "Koberidzes" pathway (Nabakevi, Gali district) and taken to Nabakevi military base. Illegally detained under ages are studying at the secondary school of village Nabakevi. Notably, they were released upon the condition of withdrawal from the school.

The Government of Georgia Programs for the Children in the Occupied Regions

29. In 2012-2013 the Government of Georgia has continued addressing the health needs and improving living conditions of people residing in the occupied territories of Georgia. The overall budget directed by the Government of Georgia towards the healthcare component in this period equals approximately to 5.5 million GEL. The Government of Georgia financed local medical treatment of persons residing in these territories, as well as the treatment of persons crossing the occupation line.

30. Through the State Referral program, residents of the occupied regions, including children, continued to receive state-sponsored medical treatment in Tbilisi, Zugdidi and Kutaisi hospitals. The receipt of medical treatment by the population of the occupied territories under the State Referral Program is not conditioned by the possession of any specific document. Approximately 20% of the more than 3,200 residents of the Occupied Regions who received free medical treatment through the State Referral Program in 2012-2013 have been children under the age of 18.

31. In February 2013, the Government of Georgia launched the State Program of Universal Healthcare that guarantees free of charge medical insurance for the entire population, including of the occupied regions. The Program covers all age categories and is complementary to the state health insurance program launched earlier in September 2012, which included the free health insurance policies for the residents of the occupied territories holding the Status Neutral Documents under the age of 6 or at a retirement age (women from 60 and men from 65).

32. In 2012 and 2013, the Government of Georgia delivered medicines and treatment services, including medicines for chronic diseases, various immunization and other vaccines, antivirus medicines, medicine for tuberculosis, HIV/AIDS treatment, veterinary vaccines, maternity and child healthcare medicine, etc. to the occupied region of Abkhazia through the Liaison Mechanism (LM) operating under the Government of Georgia Action Plan for Engagement.

33. In the field of education, the Government of Georgia has remained committed to providing access to education and increasing awareness programs for residents of the occupied regions. In this regard, the Government of Georgia continued the policy of accepting school certificates issued by *de facto* authorities and allowed school-graduates from the Abkhazia region to apply for the University exams. In 2013, 164 applicants from the Abkhazia region took part in the unified national exams. The Government of Georgia provides funding for approximately 150 students who for the last two years have been studying in the occupied regions and received general education certificates from the secondary schools of the occupied regions, if they pass a minimum threshold of competence at the unified national exams.

III. General Measures of Implementation

Legislation and other measures

34. During the reporting period, numerous legislative changes have sought to bring laws in compliance with the requirements of the Convention on the Rights of the Child. Main amended laws of relevance to children's rights have included:

- Reform of the Civil Code of Georgia (2008) on parental rights and responsibilities
- Reform of the Civil Procedural Code of Georgia on procedural issues of protection of child's right
- Law of Georgia on Adoption and Foster Care (2007 and 2009) and 2011 and 2012 amendments
- Law of Georgia on Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence (2009)
- Organic Law of Georgia on "Citizenship of Georgia" (2010)

- New Criminal Procedure Code and Code on Imprisonment (2010) concerning juvenile offenders
- Criminal Code of Georgia (2012) on domestic violence
- Law on Combating Trafficking (2012)
- Joint (N152/6-N496-N45/n) order of the Minister of Labor, Health and Social Affairs, the Minister of Internal Affairs and the Minister of Education and Science of Georgia (31 May 2010) on establishment of referral procedures for child's protection
- Order N201-59/N of the Minister of Labor, Health and Social Affairs (30/08/2012) on establishment of standards for child care
- Law on the Elimination of All Forms of Discriminaion (2014).

35. Current draft laws include:

- Draft Law on the Emergency Assistance in case of forced displacement and Protection of IDPs.

Comprehensive strategy

36. The Government of Georgia approved the National Child Welfare Action Plan 2008-2011 and Action Plan for Child Welfare and Protection 2012-2015 with Ordinance N869 on 10 December 2008 and N762 on 24 April 2012, which set the state's priorities towards the implementation of its obligations under the UN Convention on the Rights of the Child. Various state institutions have been involved in the implementation of the plan, including: Ministry of Education and Science of Georgia, Ministry of Labour, Health and Social Affairs of Georgia, LEPL State Services Development Agency of the Ministry of Justice of Georgia, Ministry of Corrections of Georgia, Ministry of Sport and Youth Affairs of Georgia and Ministry of Interior Affairs of Georgia. The state agencies closely cooperate with international partners and local non-governmental organizations in the process of implementation of the plans, which includes strong ties and consultations with civil society.

37. The development of the National Child Welfare Action Plan 2008-2011 was highly participatory. Children were directly involved, in particular children from orphanages, children reintegrated with their biological families, children in foster care, homeless, children with disabilities and child members of Tbilisi Children's Council, as well as their parents (biological or foster) and representatives of non-governmental organizations. This indicates that the state attaches great importance to the principle of children's participation in discussion of issues affecting them, as well as in decision-making processes, thereby ensuring that the goals of the plan, and the activities themselves, are geared towards the various interests and needs of different categories of children.

38. The Action Plans focus on the protection of the civil, social and other rights of all categories of children. The Action Plans provide for a number of government's measures in support of children's comprehensive psychosocial development. In this regard, special attention is given to the adoption of children deprived of parental care, as the best form of care, ensuring that children of this category are brought up in a stable and harmonious family environment (Art. 21).

Coordinating body

39. In accordance with the law of Georgia on social welfare, responsibility over child care and associated functions have been transferred to the Ministry of Labour, Health and Social Affairs of Georgia since 1st January 2009. The purpose was the creation of a united administration system for the social sector. As a result, child care was integrated into the united social protection system, making its management more flexible and significantly contributing to the further development of reforms in this area. As part of these structural changes, the functions of the central body of guardianship and custody were delegated to the LEPL Social Service Agency under the Ministry of Labour, Health and Social Affairs of Georgia, while the enforcement of the functions of the local body of guardianship and custody was assigned to the territorial units (structural subdivisions) of these institutions.

Data collection

40. In conjunction with the paragraph 15 of the Concluding Observations (CRC/C/GEO/CO/3), in order to improve the effectiveness of the IDP support policy, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia decided to proceed to the registration of IDPs. The aim is to update information for the IDP database, and make necessary changes to place of residence, family composition, general census, etc. This will allow the Ministry to: (1) have accurate figures on IDPs; (2) better plan state programs, in particular durable housing solutions for IDP families; and (3) determine realistic family composition (after 20 years of displacement family composition has significantly changed). By defining the exact number of IDPs and their families, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees expects to improve the planning and implementation process of IDP support and identify strategic solutions for improving IDPs' housing and social-economic conditions.

41. For that purpose, a commission was created based on the Decree N170 of 28 December 2012, within the Ministry. The Commission elaborated the methods of registration of IDPs and their needs assessment such as housing, livelihood opportunities, access to social services, etc. The members of the commission were the representatives of governmental bodies, local and international non-governmental organizations and the donor organizations. The registration process was started on 1st August 2013 and ended on 27 December 2013.

Training

42. For the information regarding the trainings please refer to Annex III.

IV. General Principles

Non-discrimination

43. According to the Constitution of Georgia (the Constitution) everyone is free by birth and equal before law irrespective of race, color, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, and place of

residence.[5] Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging.[6] At the same time, Criminal Code of Georgia criminalizes Violation of Equality (Art. 142), Racial Discrimination (Art. 1421), Restriction Rights of Person with Disabilities (Art. 1422).Georgia's legislation provides the basis for the child's right to be protected from discrimination.

44. All children are allowed to have access to child care services in Georgia irrespective of sex, ethnicity and any other characteristics. The following legislative and normative acts explicitly prohibit discrimination:

1. The child care standards include information about children's discrimination (standard N2, availability of service and inclusion) – The service provider is obliged to: (a) provide beneficiaries with a service based on individual needs and possibilities, without any discrimination, biased or negative attitude or action that may occur during the provision of services by the service provider, other beneficiary or third person; (b) provide a beneficiary with a service irrespective of his/her race, skin color, sex, language, religion, political and other views, nationality, ethnic and social origin, material condition, the health or other kind of condition of the beneficiary or his/her legal representative;

2. According to the Regulation of the body of guardianship and custody (LEPL Social Service Agency, approved by the Minister of Labour, health and Social Affairs of Georgia, with the Edict N190/N on June 27, 2007, Art. 2, para. 4, sub-para. A), the agency acts according to the following principles while fulfilling its goals and functions: (a) Eliminating of the discrimination according to the person's social and material conditions, race, skin color, religion, sex, age and political views (measures aiming to fulfill the needs of persons recognized as needing special protection and help according to their sex, age, physical inferiority, marital status or/and social condition, will not be considered as discrimination);

3. The Edict N40/N, N111/N, N111/N, N119/N of the Minister of Labour, Health and Social Affairs of Georgia on approving the State Healthcare Programs of 2007, 2008 and 2009, the Ordinance N77 of the Government of Georgia on approving the State Health and Social Protection Program on 15 February 2011, according to which, the insurance organizations are obliged to ensure equal availability to insurance for beneficiaries, without any discrimination;

4. According to the Law of Georgia on Health Care (Art. 6, para. 1): Discrimination of a patient for their race, skin color, language, sex, confession, political and other views, nationality, ethnic and social belonging, origin, material and social condition, place of residence, disease, sexual orientation or personal negative mood is prohibited.

45. In 2013 The Ministry of Justice of Georgia (MoJ) – drafted a Law on Elimination of All Forms of Discrimination (Draft Law), based on an analysis of relevant international legal instruments, as well as legislation of foreign states, predominantly of EU Member States. Following consultations with the governmental sector, in July 2013 Draft Law was presented to the diplomatic corps, civil society and international actors for comments. Meetings were held with representatives from civil society sectors, among them organizations working on human rights issues, religious and ethnic minority groups and organizations working on the rights of persons with disabilities. Recommendations from ODIHR, ECRI, OHCHR and the Swedish expert (selected with the assistance of the EU

[5] Art. 14, Constitution of Georgia (1995).
[6] Art. 38.1, Constitution of Georgia (1995).

delegation in Georgia) were received. Most of recommendations were reflected in the Draft Law. It was adopted by the Parliament in May 2014.

46. It aims to eliminate of all forms of discrimination and ensure for every person the equal enjoyment of rights irrespective of race, color, language, national, ethnic or social belonging, sex, sexual orientation or gender identity, marital or health status, disability, age, citizenship, origin, place of birth, place of residence, social, religion or belief, political or any other ground. According to the Draft Law, any form of discrimination, whether direct or indirect, shall be prohibited in Georgia. Multiple discrimination i.e. discrimination on the basis of two or more grounds shall also be prohibited. Discrimination shall be prohibited in all spheres, both public and private. Implementation of the law shall be monitored by the independent body-Public Defender of Georgia.

47. Due to Russia's occupation of Tskhinvali Region/South Ossetia and Abkhazia Georgia has been prevented from the opportunity to ensure protection of human rights, including children's rights in that parts of the country. Serious facts of discriminations and human rights violations have been reported by numerous of reputable international organizations, committed predominantly against population of Georgian origin. People of Georgian ethnicity, including children, have been deprived of fundamental rights, such as right to property, right to receive education in their "mother tongue", right to fair trial, etc. As a result of ethnic cleansing hundreds of thousands of IDPs, predominantly of Georgian origin, are unable to return to their homes due to their ethnic belonging. Families who live in conflict zones are under constant pressure. They are forced to obtain Russian citizenship. If they refuse to comply they are threatened with punitive measures or expulsion. People living in adjacent areas are arbitrary arrested and detained by illegal armed groups and Russian military forces.

48. In conjunction with the paragraph 21 of the Concluding Observations (CRC/C/GEO/CO/3), the refugee children in Georgia enjoy the same rights as the citizens of Georgia regarding education and healthcare according to the Georgian Law on Refugee and Humanitarian Statuses. According to the article 19 of the Law of Georgia on Refugees and Humanitarian Statuses a person with refugee or humanitarian status is entitled to benefit from the right for education just like any other citizen of Georgia.

The Right to Life, Survival and Development

49. The right to life is guaranteed by the Constitution. The Criminal Code of Georgia (CCG) provides for the protection of human life. According to CCG, the homicide of a minor is considered to be a crime with aggravated circumstances and results in severe penalty.[7]

50. As a result of traffic or other accidents, 24 juveniles were killed by car accident in 2012 (14 female juveniles and 10 male juveniles) and 27 in the period of January-November of 2013 (8 female juveniles and 19 male juveniles).

Respect for the Views of Children

51. Respect for the views of children and their participation in matters affecting them are envisaged by Georgian legislation in a number of areas. One of the most significant areas in this regard is family and related relations. For instance, as an exceptional measure, deprivation of parental rights may be effected only by a court decision upon the initiative of

[7] Art. 109.2(b), Criminal Code of Georgia (1999).

a child who has attained age of 14.[8] Parental rights may be restored only by court decision upon the initiative of the child.[9] The court shall take into account the child's preference, when he or she has attained age of 10.[10] According to Law on Adoption and Foster Care, children aged 10 or above cannot be adopted without their consent.[11] If the adoptee is 10 or above, reversal of the decision on adoption is admissible only with consent of the adoptee.[12] Placement of children of 10 years old or over this age in foster care requires their consent,[13] etc.

52. Another important area is children's citizenship. In case of change of parents' citizenship, citizenship of a child up to the age of 14 shall be changed accordingly. Citizenship of children from the age of 14 to 18 shall be changed only with their consent.[14] Consent of a child in the age from 14 to 18 shall be also indispensable in case of change of citizenship of one of the parents, in case of adoption when adopters have different citizenship, etc.[15]

V. Civil rights and freedoms

Birth Registration and citizenship

53. Civil Registry Agency of Georgia registers children born in Georgia via its territorial services. Diplomatic or consular missions register children of citizens of Georgia or stateless persons permanently residing in Georgia when they are born abroad.

54. Since April 2011, medical institutions have been required to electronically submit information concerning childbirth to the Civil Registry Agency, to ensure birth registration in the shortest possible time. Until recently, a major problem was the high number of persons without ID documents in regions inhabited by ethnic Azeri. Until 2008, birth registration of children without documents required approval by a Court. Since April 2008, the Civil Registry Agency has been given the responsibility to register persons without documents and issue their ID-s. The Agency has conducted a number of projects with support of UNHCR and UNICEF throughout Georgia to eliminate the problem of persons without identification documents, including by going "door-to-door". As a result, several thousands of children have been registered and birth certificates released. In conjunction with the paragraph 27 of the Concluding Observations of the Committee (CRC/C/GEO/CO/3), IDP children are registered based on a written application for registration by their parents or legal representatives.

55. In 2010, the Organic Law of Georgia on "Citizenship of Georgia" was amended. In particular, pursuant to Article 15, the child, who is found on the territory of Georgia and whose parents are both unknown, shall be deemed as a citizen of Georgia until contrary is established.

56. The procedure of issuance of ID-s and passports to juveniles has been simplified. Pursuant to the Article 3 of the Law of Georgia on "The rules of registration, issuing of

[8] Art. 1206.1, Civil Code of Georgia (1997).
[9] Art. 1209.1, Civil Code of Georgia (1997).
[10] Art. 1209.3, Civil Code of Georgia (1997).
[11] Art. 16.1, Law of Georgia on Adoption and Foster Care (2009).
[12] Art. 27.4, Law of Georgia on Adoption and Foster Care (2009).
[13] Art. 31.2(d), Law of Georgia on Adoption and Foster Care (2009).
[14] Art. 16, Organic Law on Citizenship of Georgia (1993).
[15] Art. 221, Organic Law on Citizenship of Georgia (1993).

identification (residence) card and passport to the citizens of Georgia and aliens residing in Georgia" a citizen of Georgia who attained 14 years of age is obliged to receive identification card not later than 6 months.

57. Upon the application of legal representative, the citizens of Georgia are entitled to receive ID-s even until reaching the age of 14. IDs area issued within 10 from the application. This period can be prolonged for no more than 10 days in cases provided by legislation.

Torture or other cruel inhuman or degrading treatment or punishment

58. In conjunction with paragraphs 29 and 30 of the Concluding Observations of the Committee (CRC/C/GEO/CO/3), in order to prevent torture or any other forms of ill treatment in the penitentiary system, the internal monitoring mechanisms of the Ministry of Corrections and Legal Assistance of Georgia have been strengthened:

- The General Inspection of the Ministry of Corrections and Legal Assistance serves as deterrent to human rights violations in the penitentiary system, along with Human Rights Monitoring Unit of the Penitentiary Department of the Ministry. Its responsibilities have been expanded, with the creation of additional units and an increase in the number of personnel in the Department. It closely cooperates with the Human Rights Monitoring Unit of the Penitentiary Department of the Ministry.
- The newly drafted Statute of the Human Rights Monitoring Unit has expanded its mandate and clearly defined its functions. The Human Rights Monitoring Unit receives complaints and refers them to relevant institutions for consideration. It is not only reactive but also proactive in its activities. It conducts regular as well as ad hoc visits to all penitentiary establishments (570 ad hoc visits since January 2013) and produces quarterly reports which are accessible to public. During the last 12 months (since January 2013), the Unit has received up to 1,736 complaints which were forwarded to various institutions for further consideration (General Inspection, Medical Department of the Ministry of Corrections and Legal Assistance, Prosecutor's office, etc.).
- In 2012, the Ministry of Corrections and Legal Assistance organized number of meetings with civil society representatives to discuss the idea of establishing an external monitoring mechanism. As a result, it was decided to expand the composition of the existing National Preventive Mechanism (NPM) under the Ombudsman's Office.
- In addition, the Ministry of Corrections and Legal Assistance does not obstruct any organizations with relevant experience from monitoring penitentiary establishments. Currently several organizations are granted access to penitentiary establishments to conduct thematic monitoring (PRI, UNICEF, ICRC, Art. 42, Empathy, GYLA, etc.).
- The Ministry of Corrections and Legal Assistance of Georgia closely cooperates with the Prosecutor's Office of Georgia. In order to avoid conflict of interest, all cases of alleged ill-treatment of remand prisoners and convicts are submitted for investigation to the Main Prosecutor's Office of Georgia.

VI. Family Environment and Alternative Care

Family environment

59. In conjunction with paragraphs 34 to 39 of the Concluding Observations of the Committee (CRC/C/GEO/CO/3), in the reporting period the Georgian Government has made significant efforts to develop family support measures and alternative, family-type services for children under the state care.

60. Between 2008 and 2010, important amendments were made to the legislative and normative acts of Georgia in respect of children's rights protection, in order to improve existing regulations and establish the new ones. According to the Civil Code of Georgia, Article 1197, the child shall have the right to live and grow up in the family and parents shall have equal rights and responsibilities with respect to their children. Article 1198 (active since 1st May 2008) lists parents' rights and responsibilities:

1. Parents shall be entitled and obligated to bring up their children, care for their physical, intellectual, spiritual and social development, and raise them as decent members of society, taking the best interests of the children into account.

2. Parents have duty of maintenance of the child.

3. Parents are entitled to determine where and with whom their children shall live.

4. Parents must protect the rights and interests of their minor children that imply the management and usage of children's property.

5. Parents have a right and responsibility to have relationship with their children and determine their children's right of having relationship with the third person.

6. Parents shall be the statutory representatives of their children and shall act for the protection of the children's rights and interests in relations with third persons, and inter alia in court, without any special authorization to do so.

61. Parents shall determine all the issues of rearing their children on their mutual agreement. In the case of disagreement between the parents, a law court shall resolve the dispute with the participation of the parents.

62. These legislative amendments have also provided that improper fulfillment of rights and responsibilities by parents represents the basis for the suspension, restriction or deprivation of those rights and responsibilities. According to the current legislation, a minor has a right of protection against abuse of power by his/her parents (or other legal representatives). When the rights and legal interests of a minor are violated, or one of the parents does not fulfill their duties in relation to education or in case of abuse of power, the minor can refer to the body of guardianship and custody and, from age of 14, to court. Furthermore, individuals and legal entities that become aware of violation of rights and legal interests of a minor are obliged to inform bodies of guardianship and custody.

63. These processes are managed with the participation of a social worker. The bodies of guardianship and custody take relevant measures as provided by law, by involving social workers in the process as soon as the information is received. Based on the social worker's assessment, the court takes a decision, except in a few cases when parent's rights and responsibilities are suspended without the decision of the law court. In such cases child is separated from their parents and placed in care by the decision of the body of guardianship and custody. In case of deprivation of parental rights, a child is given a status of a child for adoption.

Prevention of separation

64. The state authority responsible for child care—the body of guardianship and custody—recognizes the importance of children's upbringing within their biological family, unless it is not in their best interests. Support services and material benefits aimed at ensuring that the child can be cared for by his/her biological family and prevent abandonment include day care centers, reintegration allowance, social workers' service, consultations, referrals, feeding programs for the children at risk of abandonment and social benefits.

65. In 2007-2013 different measures were funded in the frameworks of the state child care program. Target programs providing support to families, improving level of life, promoting material condition of families, providing tailored assistance on families of different abilities and needs in the country. Specifically, in 2007-2008 monetary social allowance was issued on families in order to prevent abandonment of children and since 2010, 0-1,5 years old children have been provided with child feeding vouchers, implying to provide the target group children with formula. There are shelters for pregnant women and mothers in a difficult situation and their children up to 10 years old. If the latter(s) is at risk of being abandoned or placed in an institution, they receive 24-hour care for no more than 1 year. In order to promote deinstitutionalization of children, financial aid is provided for the reintegration children's families. The state program also provides additional services such as service of the day care centers, subsistence allowance to socially vulnerable families (children) and health insurance in the frameworks of the state program. The state program determines the programs for day care centers for disabled children, early development, children's rehabilitation and welfare programs, aiming the promotion of physical rehabilitation and proper skills in correspondence with the individual needs of children with disabilities.

66. The government increases the funding for the abovementioned priorities every year. For example, the actual expenses according to the years are as follows:

- 10,179,800 GEL in 2007
- 11,579,800 GEL in 2008
- 16,445,800 GEL in 2009
- 14,796,208 GEL in 2010 (the reduction is caused by transferring the educational service/component funding (2,423,000 GEL) of public schools with boarding services into assignations of the Ministry of Education and Science of Georgia)
- 11,732,158 GEL – in 2011
- 16,688,331 GEL – in 2012
- 14,703,086 GEL – in 2013.

Alternative care

67. The Legislation of Georgia sets out the situations in which a child is given a status of underprivileged. An underprivileged child is a person under 18:

(a) If his/her parents are recognized as disabled, lost or dead, by court;

(b) If he/she is an orphan;

(c) If his/her parent (parents) are deprived (restricted or suspended) of parental rights and responsibilities according to the rules, established by the legislation;

(d) If he/she is recognized as abandoned;

(e) If staying with parent (parents) or guardian/caretaker is dangerous for child for some reasons.

68. In case of child's separation from the biological family, the body of guardianship and custody discusses placement alternatives in order to ensure that the child remains in an environment as close as possible to his/her family. According to the decision of the body of guardianship and custody (based on the social worker's evaluation and conclusion) depending on the case, the underprivileged child:

1. Is given a status of child for adoption and legislative adoption procedures are implemented towards him/her;

2. Is imposed guardianship/custody and he/she is accommodated with a guardian/caretaker;

3. Is accommodated in the service (foster family, small family-type home, orphanage) where child's life most closely associates with his/her interests. He/she has an access to all care services throughout the country.

69. The Governmental Committee on Protection and Deinstitutionalization of Children was established in 2005.[16] The Committee was entrusted with the task of effective implementation of relevant action plans adopted in 2005-2007[17] and in 2008-2011.[18] The Action Plans served as the framework for implementing pilot programs concerning prevention, reintegration and alternative care services for children under state protection. Respective Committee was annulled via Governmental Decree No. 40 of February 2010.

70. However, the transformation of the child care system remains a high priority for the state. The Ministry of Labour, Health and Social Affairs of Georgia elaborated the main directions of the Child Care System Reform Action Plan for 2011-2012 (adopted by Ordinance N373 of the Government of Georgia on support for the development of alternative forms of child care on 8 December 2010).

71. The Action Plan projected to replace large residential institutions with small family-type homes step-by-step. 17 small family-type homes were funded by the state and administered by non-governmental organizations during 2010. An assessment conducted by social workers in residential care institutions in 2010 concluded that it is possible to return 30-35% of the beneficiaries living in child care institutions back to their biological families and to move 8-10% of them to foster care or to adopt them. Consequently, in 2010-2012, 25 additional small family-type homes were set up thanks to USAID and the United Nations Children's Fund's financial support. Staff selected to work in these new small family-type homes was provided with completely new training on individual care, including identification of child's strengths and weaknesses and detection of different needs. Based on this assessment, the service develops an individual plan for each child and monitors results through indicators of quality care.

[16] Governmental Decree No. 75 on Elaboration of Protection and Deinstitutionalization of Children, Establishment of Governmental Committee on Protection and Deinstitutionalization of Children and Adoption of Statute of Governmental Committee on Protection and Deinstitutionalization of Children of April 21st, 2005.

[17] Governmental Decree No. 75 on Adoption of Action Plan on Protection and Deinstitutionalization of Children, Establishment of Governmental Committee on Protection and Deinstitutionalization of Children and Adoption of Statute of Governmental Committee on Protection and Deinstitutionalization of Children of April 21st, 2005.

[18] Governmental Decree No. 869 on Adoption of Action Plan on Welfare of Children of December 10th, 2008.

72. Since 2011, the project My Friend has enabled children of small family-type homes to receive a professional education and employment through cooperation between the business and state representatives. The Ministry of Education and Science of Georgia implements Vocational Education Support Project, supporting the children, under the state care, to gain and develop their professional skills.

73. On 18 June 2013 protocol of intentions was formed with the representation of the State Oil Company of Azerbaijan in Georgia, in the framework of which, from 1st July 2013 to 1st July 2014, SOCAR fully pays the communal taxes (electricity and natural gas) of the small family-type homes, functioning throughout the country.

74. On 26 August 2009 the Minister of Labour, Health and Social Affairs approved the Child Care Standards by the Edict N281/N. The development of this document had started in 2005, Georgian and foreign specialists from governmental as well as from the non-governmental sector participated in its elaboration. A first version of the standards, approved in 2007, had a recommendatory status for child care services (residential institutions and day care centers). The Technical Secretarial piloted the standards on behalf of the Government Commission of Child Protection and Deinstitutionalization, with support from the EU Child Welfare Reform Project and UNICEF, in order to ensure that the final version of the standards would be acceptable and realistic for the service providers to implement. Following an evaluation of the pilot exercise, the Minister of Labour, Health and Social Affairs approved a revised version of the Child Care Standards with the Edict N01-59/N on 30 August 2012. The Standards became mandatory for all child care institutions regardless of their organizational-legal and property nature and for day care centers for non-disabled children, registered with the state program.

75. Standards for day care for persons with disabilities were approved by the Minister of Labour, Health and Social Affairs of Georgia with the Edict N01-13/N on 8 April 2011. They aim to determine quality indicators for such types of services. UNICEF facilitated the elaboration process. Representatives of day care service providers and the Public Defender of Georgia were involved in the working group, together with technical experts.

76. Terms and conditions for placement and withdrawal of person from a specialized institution were approved by the Minister of Labour, Health and Social Affairs on 26 February 2010 with the Edict N52/N, determining the rules and procedures for placement and withdrawal of person from the specialized institution (orphanage, shelter for mothers and children, boarding house for elderly, boarding house for people with disabilities, community organization and day care center).

77. Terms and conditions for funding (co-funding) for placement a person in a specialized institution was also approved with the Ordinance N22 by the Government of Georgia in 2010. The Resolution determines the rules and conditions for funding (co-funding) of a person for their placement in an orphanage, financed by the state budget, shelter for mothers and children, boarding house for elderly, boarding house for people with disabilities, community organization and day care center.

78. A campaign seeking to attract foster care families, an important element towards this goal, was implemented with the support of state social workers and partner organization Every Child. The state also increased funding in order to stimulate the foster families and improve the service quality in the sector. In line with Article 10.4 of Ordinance N145 of the Government of Georgia, the amount of remuneration in case of non-relative foster care was increased by 75% and by 100% for children with disabilities.

79. Alternative child care services (foster care, small family-type homes, day care centers) developed through the child care reform from 2007 to 2013 have resulted in a sharp increase in children's deinstitutionalization and significantly lowered the number of children in residential institutions.

80. In 2011, a moratorium was announced on 10 orphanages and 10 of them were liquidated during one year. In 2012, 5 orphanages were closed and in 2013, the children of 5 large scaled acting residential care facility and their families were assessed and 2 institutions (orphanages) were closed. Currently 3 large scaled residential care facilities function for children with disabilities. The process continues with families to determine the alternative form of care with the purpose of their deinstitutionalization.

81. The major partner organizations of the state in the reform implementation process are United Nations Children's Fund, European Union, the U.S. Agency for International Development, embassies of foreign countries in Georgia, British Charity Organization Every Child, Charity Foundation "Caritas Georgia", Save the Children, Association SOS Children's Village, Association Our Home – Georgia, World Vision, Charity Humanitarian Foundation Breath Georgia and other partner organizations.

Periodic review of placement

82. Based on the Civil Code of Georgia, Article 1284, the activities of a guardian or a curator shall be supervised by a body of guardianship and custody located according to the place of residence of the ward. At present, the rules and conditions of supervision on the guardian's activity are developed, according to which a social worker, representative of body of guardianship and custody, supervises no less than once in a year according to the plan and additional frequency is periodically detected in accordance with the needs. It should be also noted that according to the abovementioned rule, before starting the supervision on the guardian's activity, the local body of guardianship and custody confirms the plan reflecting the terms, schedule and authorities entitled for supervision.

83. During the reporting period, the rule of supervision on guardianship and custody cases was elaborated and the relevant supervision form was approved. A new version of evaluation forms was elaborated and approved for social workers, social workers' rule for professional supervision and activities was also elaborated, domestic dispute case assessment and report forms were created, the rules and conditions of appointing, suspension, renewal and termination of the reintegration allowance were developed as well.

84. In 2013, the Program Monitoring Division was formed as a structural subdivision of the Ministry of Labour, Health and Social Affairs of Georgia, ensuring the monitoring of childcare services, detection of quality indicators of their activities towards the realization of child rights.

Adoption

85. On 18 December 2009 the Parliament of Georgia approved a new law "On adoption and foster care". The law aims to set up a system in the area of adoption and foster care, which supports the realization of the right of child, especially in early childhood, to grow up in a family environment and accelerate the process of de-institutionalization in the country. The new legislative norms simplify the procedures for granting status to underprivileged children for adoption and for the transfer of children in foster care, in order to support their upbringing and development in a family environment as close as possible to theirs. They also seek to develop a transparent system and prevent corruption in the area of adoption. The law has replaced the special commission assessing the health condition of a child for adoption with a commission competent for international adoption and reduced the 18-month period for offering a child to foreign foster parents to 8 months. Regulations on number of issues were implemented through amendments to the law of Georgia "on adoption and foster care" in 2011 and 2012, such as sequence for adoption, cases of

recognition of child abandonment, issues concerning the adoption of children over 10-year-old and issues related to foster care dependent persons were defined. The advantage of the law, in comparison with previous legislative norms, is its flexible mechanism, granting the status of child for adoption to the children deprived of care.

86. According to the Article 1239 of the Civil Code of Georgia: "Adoption shall be allowed only for the welfare and in the interests of a minor child, provided it is expected that the relationship of parent and child will be created between the adoptive parent and the adoptee." The provision applies to both domestic and international adoption cases. Accordingly, after domestic adoption the adopted child has the same rights and responsibilities as a biological child of a family. Within the current legislation, social worker, who fully assesses the child and adoptive parent, is involved in the adoption process. He/she determines the compatibility of the adoptive person and the adopting child that implies taking the ethnic, religious, cultural and personal compatibility into account, also the possibility of creating proper environment for the relevant development of the child (Art. 21). Together with the legislative amendments, preparation and provision with the information of persons involved in the adoption process (social worker, lawyer) were implemented through various trainings.

87. The final decision on adoption is taken by a court. In addition, depending on the child's age, adoption is prohibited without a child's consent. Accordingly, when a case of adopting a juvenile is discussed, the competent authority takes the child's opinion and views into consideration with regard to the adoption fact and the acceptance of the adoptive persons.

88. Regarding international adoption, the Ministry of Internal Affairs of Georgia manages the process based on the same information requirements. The central body must request provision of information concerning the health and social condition of adopted child from the central body of the adoption country, or if such institution does not exist, to the relevant authority licensed or accredited in the adoption country, on an annual basis until the adopted child reaches the age of 18.

89. In order to improve the legislative regulations, in 2012 a working group has been set up and elaborated a new draft law of Georgia on adoption, which is currently undergoing legal expertise and will be presented to the Parliament along with foster care components by the end of 2014.

Illicit transfer and non-return of children abroad

90. Georgia ratified the Hague Convention on the Civil Aspects of International Child Abduction (hereinafter the Convention) in 1997. The Public International Law Department (Hereinafter PIL Department) of the Ministry of Justice was designated as the Central Authority of the Convention in Georgia. Hence, Georgian Central Authority co-operates with Central Authorities of other contracting states to secure the prompt return of wrongfully removed child and takes all necessary steps to initiate or facilitate judicial and administrative proceedings. Georgian Central Authority also takes all appropriate measures for an amicable resolution of the problem and keeps other Central Authorities informed with respect to the operation of the Convention. The Central Authority does not act as a party before the court. In order to ensure the speedy and effective resolution of the dispute, before forwarding the case to the competent Court, Central Authority offers parties active mediation. Namely, the Central Authority contacts the abducting parent and proposes the mediation.

91. If the abducting parent agrees to a meeting, the Central Authority informs him/her of the situation and the consequences as well as the procedure provided by the Convention. In

such circumstances, the Central Authority of Georgia also informs in details the concerned Central Authority of the steps taken. Apart from an official letter, we try to get into contact via email and phone with other Central Authorities as soon as the abducting parent agrees to meet or agrees to mediate.

92. Along with providing Georgian translation of the Convention, MoJ translated explanatory report of the Convention into Georgian and disseminated to the practicing judges with the assistance of the High Council of Justice in order to increase general knowledge about the Convention, its requirements, judicial practice and experience of foreign States. Following the efforts of the Central Authority, information about the court cases in Georgia has become available at the official website of MoJ with due respect to the personal data of children concerned and their parents. MoJ has also prepared Application forms, both in Georgian and English languages, in line with the Conventional requirements, which are available at the official website of MoJ.

93. The Central Authority is currently working on detailed Guidelines for the judges and lawyers related to Child Abduction, cases as well as practicalities regarding the application of the Convention. The Draft Guide includes information extracted from Explanatory Reports, Practical Handbooks, Guidelines to Good Practice, Judges' Newsletters and respective case-law of various international and national courts on interpretation of legal aspects of Hague Convention. The Guidelines are divided in several parts in accordance with the convention, includes definition of aim and purpose of the convention, practice of interpreting them, also interpretation of wrongful removal and retention, state practice on usage of article 13 as an exceptional clause for refusing child's return in his/her habitual residence. The legal basis for refusing child's return might be considering child's strong objection based on his/her age and maturity; grave psychological or physical risk for child in case of return, other social background based of the child. Each of these criteria has various interpretations by national or international courts, which will be provided in the guideline for raising awareness of judges and lawyers before making judgments. Guideline also provides information on practice of enforcement judgments, on applying mediation institute for resolving disputes peacefully. The purpose of guideline is to raise awareness of judges and lawyers in right interpretation of the convention and its legal aspects, for introducing them international practice and to make the judgments more harmonized to international standards.

94. The Central Authority prepared amendments to the Civil Code of Georgia and Civil Procedure Code of Georgia for the effective implementation of the Convention. As to the procedural part, a new chapter has been added to the Civil Procedure Code of Georgia on the Special Aspects of Return or Exercise of Right of Access with a Child Wrongfully Removed or Retained. Furthermore, draft of new Referral Mechanism for abduction cases and their enforcement procedure is elaborated by the Central Authority, which is in the process of discussion and review before its approval.

Abuse and Neglect

95. In conjunction with paragraphs 40 and 41 of the Concluding Observations (CRC/C/GEO/CO/3), Action Plans for 2007-2008, 2009-2010 and 2011-2012 on the Prevention of Domestic Violence, Protection and Support to its Victims were respectively approved by the Governmental Decree on 30 July 2007, 23 April 2009, and 27 April 2011. The Action Plan for 2013-2015 on Combating Domestic Violence and Protection of the Victims of Domestic Violence was adopted by Decree N17/07/01 of the President of Georgia on 17 July 2013. The Action Plan names three main goals: improvement of the mechanisms and the legislative base on prevention of domestic violence, protection and assistance of victims of domestic violence; protection, assistance and rehabilitation of

domestic violence victims; prevention of domestic violence and raising awareness on domestic violence issues.

96. The Inter-agency Coordination Council for Prevention of Domestic Violence was established on the basis of the Presidential Decree N625 of 26 December 2008. The objectives of the Council are: to support efficient implementation of functions of state organizations working on the issues of domestic violence; develop proposals on combating and elimination of domestic violence; to cooperate with state bodies of Georgia, non-governmental sector, international and local organizations working on the issues and to develop joint proposals for submission to the President of Georgia; monitoring the prevention of domestic violence.

97. On the initiative of the Inter-agency Council, independent experts, with financial support from the Government of Norway, UNFPA, the Government of Sweden and UNIFEM, elaborated the Monitoring Report on Implementation of the Action Plan on Elimination of Domestic Violence, Protection and Support to its Victims for 2009-2010. The report concludes that State structures/bodies provided crucial input and made a number of positive and coordinated actions for effective implementation of the Law and the appropriate Action Plan and overall the activities defined by the Action Plan had been carried out. Particularly, 2009 National Referral Mechanism was developed and introduced by participation of different agencies. In this process Interagency Council on Combating Domestic Violence was established in December 2008 which coordinates all the activities in regard to elaboration of the state policy for eliminating and combating domestic violence as well as its implementation and ensures smooth collaboration of all different agencies for the aim of implementation of the Law and the Action Plain. Within the scopes of the Action Plan, as a result of activities implemented for development of the legislative framework in the field of prevention of domestic violence and protection and assistance of its victims, National Referral Mechanisms is in place as well as amendments were made to the Law on domestic violence. As for protection, assistance and rehabilitation of victims of domestic violence as identified by the Action Plan, a number of trainings have been indeed conducted for various target groups by participation of state structures, NGOs and international organizations, two state-funded shelters have been in place to serve victims of domestic violence and a national unified hot-line has been launched. In terms of implementing preventive measures, perpetrators' rehabilitation concept paper has been elaborated and awareness-raising and informational campaigns were held for wider public.

98. In 2009 the Parliament of Georgia adopted amendments to the set of relevant legal acts aiming to improve the legislation on domestic violence, namely to the Law on "Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence", the Administrative Procedures Code, the Criminal Code, the Administrative Offence Code, the Law on Armaments, the Labor Code, and the Law on Public Service.

99. As a result of the amendments, the legal mechanisms of reaction to the cases of domestic violence, as well as actions for protection of victims and procedures for legal proceedings were made more flexible and effective. The amendments strengthened in particular protection mechanisms for child victims of domestic violence and their separation from abusive parents. According to the law, while issuing a protective order, the court also considers the issue of the relationship between the child and the abuser parent. The existence of signs of physical abuse of a child shall become the basis for raising the issue of separating the child from the abusive parent. Before it reaches its final decision the court issues a decision on the above issue as a temporary measure within 24 hours after receiving the application.

100. Under the amendments, a child (minor) can address the court to protect his/her rights and legal interests starting from age 14. When the court appoints a legal representative (lawyer) and considers the case, the plaintiff (child/minor) can refuse to accept the legal

representative and decide to defend himself/herself. The court should involve guardianship and child care bodies in such cases. According to the article 14 of Georgian Law on Elimination of Domestic Violence Protection and Support to its Victims, if because of some forms of violence in the family, a person applies to a court for a protective order, the court shall consider the relationship of the abusive parent/parents with the minor. If traces of violence can be observed in the minor, the court may be requested to separate the minor from abusive parent/parents, as a temporary measure, until the court makes its final decision. When considering the matter related to the right of representation of the minor, account shall be taken of the fact that if the abusive parent retains the right to represent the minor it will be harmful to the interests of the minor. Parents may not retain joint custody of the minor, if there is reasonable belief that one of the parents may commit violence against the minor

101. According to the law, the abusive parent shall be given the right to visit the child only when all safety measures are defined, including the venue of the visit, time, frequency, duration and person responsible for adherence to safety measures. In cases when safety measures are not observed, the right of the abusive parent to visit the child should be restricted. If the restriction lasts for more than three months, the parent whose rights are being restricted may refer to the court requesting the amendment of visit conditions. In case of real threat of child kidnapping by abusive parent or other damage, the court may decide to prohibit the abusive parent from visiting the child until the circumstances change.

102. In 2011 active work was undertaken to criminalized domestic violence, which led to the inclusion of this crime in the CCG in June 2012. The new Article 1261 of the CCG defines domestic violence as coercion, systematic insult, blackmail, humiliation committed by one family member against another, which has given rise physical pain or suffer and has not produced the consequences referred to in Article 117 (intentional damage to health), Article 118 (intentional less serious damage to health) or Article 120 (intentional light damage to health) of CCG. Pursuant to Article 1261 family members are: spouse, mother, father, grandfather, grandmother, son/daughter (stepchild), adopted child, adoptive parent, spouse of the adoptive parent, foster child, foster parents (foster family), guardian, grandson/granddaughter, brother, sister, parents of the spouse, brother in law, sister in law, former spouse, individuals who share/shared domestic household. Paragraph 2 of Article 1261 envisages the aggravating circumstances for domestic violence. In addition, new Article 111 of the CCG introduces a new classification of domestic crimes that includes up to 30 crimes envisaged by CCG when they are committed by family one member against another.

103. In June 2013 the working group operating under the umbrella of the Inter-Agency Council Implementing Measures to Eliminate Domestic Violence in Georgia completed work on a package of amendments to a number of legal acts on domestic violence aimed at harmonization of the Georgian legislation with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The package comprises amendments to the following legal acts: the Law of Georgia on "Prevention of Domestic Violence, Protection and Assistance of Victims of Domestic Violence"; the Administrative Procedure Code of Georgia; the Code of Georgia on Administrative Offences; the Criminal Code of Georgia; the Criminal Procedure Code of Georgia, the Civil Code of Georgia; the Law of Georgia on "Legal Status of Foreigners"; the Law of Georgia on "Refugees and Humanitarian Status"; the Law of Georgia on "Imprisonment"; the Law of Georgia on "Probation"; the Law of Georgia on "Medical Activity"; and the Law of Georgia on "Legal Aid".

104. The referral procedures, adopted by joint (N152/6 -N496-N45/n) order of the Minister of Labour, Health and Social Affairs, the Minister of Internal Affairs and the Minister of Education and Science of Georgia on 31 May 2010 aim to protect children from

all forms of violence within and outside their families through a coordinated referral system for children protection. The procedures define the rule of coordinated work of the three Ministries, the mechanisms for effective and prompt reaction to violence, the rule for supervision of children, rights and responsibilities of the competent organs, relationships pertaining to protection of children. The determine the rights and responsibilities of the competent authorities in the case of child abuse, as well as the response mechanisms. Authorities involved include: Patrol Police Department and Regional Offices of the territorial bodies of the Ministry of Internal Affairs of Georgia, LEPL Social Service Agency and its structural units – local authorities of guardianship and custody, schools, specialized institutions for children (orphanages, day care centers), medical institutions and rural doctors.

105. According to this normative act, all institutions in contact with children, including schools, medical institutions, rural doctors, specialized institutions for children, agency, district service or patrol police, have an obligation to report child abuse cases. Information about emergency cases of child abuse is reported to the hotline of patrol police (24 hours), the national hotline (24 hours) working on the base of LEPL State Fund for Protection and Assistance to Victims of Human Trafficking, as well as the functioning hotline of LEPL Social Service Agency, which ensures that phone calls are adequately addressed. In case of suspicion of a child abuse case, as soon as the phone call is received, the representative of the local body of guardianship and custody (social worker) assesses the case and makes conclusions and recommendations.

106. It is particularly noteworthy that one of the effective mechanisms for protection of domestic violence victims—restrictive orders issued by police and protective orders by the Court—are used in practice and there is a gradual increase in their employment. In 2011 there were issued 258 restrictive orders (in comparison with 2009 – 121 orders; in 2010 – 182 orders). In 2011 there were issued 52 protective orders (in comparison with 2009 – 30 orders; 2010 – 44 orders). In 2012 were issued 307 restrictive orders.

107. In addition to the respective organs of the Ministry of Internal Affairs and the Court, the Victim Identification Group operating under the Interagency Council can also grant the status of domestic violence. 94 persons have already been granted domestic violence victim status by the Group.

108. The hotlines for domestic violence victims have been operating smoothly. In 2011 the nation wide, 24/7, toll free hotline for domestic violence victims received 1,008 calls (In 2012 – 604 calls; in 2013 – 776 calls). There also operate hotlines of non-governmental organizations and of the Ministry of Internal Affairs of Georgia.

109. Victims of domestic violence are provided with psychological, legal and medical assistance no matter whether they are placed in shelters or not. They receive legal advice from State bodies as well as by local non-governmental organizations. Medical service is also provided by the State Fund. They are placed in shelters together with their children.

110. In 2011 in order to implement a uniform standard of effective functioning of the State Shelters for Domestic Violence victims, internal regulations of the structural unit of the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking (hereinafter State Fund) – State Shelter for Domestic Violence Victims was approved by the Order N07-2/0 of the director of the State fund. In order to ensure that the employees of the State Shelters act in conformity with professional ethics and realize their duties and responsibilities the special Code of Ethics was approved by the Order N07-3/0 of the director of the State Fund.

111. The State Shelters have been operating without impediments. There are not state shelters specified especially for children victims, however child's necessities in all (three)

shelters for the victims of domestic violence are taken into account. The shelters provide the following services (free of charge) to victims of domestic violence:

- Secure place of residence with decent living conditions
- Food and clothes
- Medical assistance
- Psychological consultations
- Legal aid and court representation
- Provision of relevant information; Provision of the assistance of the lawyer in case of necessity
- Participation in short and long term rehabilitation and reintegration programs.

112. Since 2011 the expenses of the State shelters operating in Tbilisi and Gori, including the salaries of the staff, as well as the operational expenses and the expenses for the victims living in the shelters have been funded through by the budget of the State Fund. In 2013 a new State shelter was opened in Kutaisi, which at present operates within the framework of UN Women project. It is planned to open one more shelter in Kakheti region next year.

113. In 2011 the State shelter in Tbilisi had 84 beneficiaries (among them 53 were juveniles); in 2012 – 55 beneficiaries (among them 33 juveniles); in 2013 – 87 beneficiaries (until October 2013; among them 53 were juveniles). It has to be mentioned that local non-governmental organizations (Anti-violence Network of Georgia, Advice Center for Women – Sakhli) also run shelters for domestic violence victims.

114. The awareness raising campaign conducted in Georgia on the issues of Domestic Violence has covered various initiatives, events, trainings, meetings, informative materials, etc.

115. In 2011 the issue of domestic violence was covered by a number of TV channels, radio stations and by the printed media. Specially created PSAs were broadcasted on different Georgian channels. In 2012 informative brochures were prepared by the State Fund which was distributed all over Georgia. Since January 2013, 6 outdoor billboards promoting the Domestic Violence hotline have been placed in Tbilisi, 2 in Samegrelo and 2 in Kakheti.

116. Opinion leaders, famous writers have been used for promoting hotline for victims of domestic violence and zero tolerance toward domestic violence. In total 3 meetings in Tbilisi, Telavi and Zugdidi were conducted in partnership with the USAID civic engagement centers and Tbilisi Javakhishvili state University. The opinion leaders have also been separately working as volunteers spreading their word in different audiences on Domestic Violence issues.

117. UN Women in partnership with the Ministry of Culture and Monuments Protection of Georgia and the Marjanishvili State Drama Theatre carried out a special initiative – play writers' competition on domestic violence aiming to raise awareness on the problem of violence against women and in particular domestic violence among the general public promoting public discussion on these topics and thus encouraging attitudinal changes in the society in a longer run. In the frameworks of this initiative three plays were staged in different theatres of Georgia.

118. In 2011 in order to raise awareness of the pupils the Chairperson of the State Interagency Council for Prevention of Domestic Violence (hereinafter "interagency Council") as well as the Chairperson of the Parliamentary Gender Equality Council met pupils at schools. Meetings were held with the students of Universities and the academic

personnel as well. On the initiative of the Interagency Council an informative meeting was held with the representatives of ethnic minorities.

119. The Anti violence Network Georgia has organized more than 30 meetings with the population all over Georgia including various target groups (representatives of ethnic minorities; internally displaced persons; representatives of the Clergy) during which among others issues concerning domestic violence were discussed. The problem of domestic violence against children was discussed during the meetings. Meetings were also held in 3 schools located in different cities of Georgia. 76 pupils attended the meetings. The Ministry of Internal Affairs of Georgia in cooperation with the State Fund and the Anti-Violence Network Georgia printed more than 18,000 leaflets and booklets concerning domestic violence issues and distributed them in different regions of Georgia. The Anti-Violence Network of Georgia in cooperation with the State Fund organized trainings for the employees of the State Shelters for domestic violence victims. It organized lectures "Education of youth on domestic violence issues" the lecture was attended by 600 10th grade school pupils of Tbilisi.

120. Since 2011 Georgian Rugby Union in partnership with UN Women has been conducting different outreach activities throughout Georgia. UN Women developed communication materials such as t-shirts and brochures for the dissemination during the Junior World Rugby Trophy games to disseminate information on the domestic violence hotline 2 309 903 and promote zero tolerance towards the practice of Domestic Violence in Georgia. A conference was organized in cooperation with the Georgian Rugby Union (GRU) and the International Rugby Board (IRB) devoted to the joining of the United Nations Secretary General's "UNITE to End Violence against Women" Campaign by the rugby players in the International Rugby Board's (IRB) Junior World Rugby Trophy in 2011. In addition, the famous Georgian rugby players met with the inmates of the juvenile correctional facility in Tbilisi in the framework of a UNICEF project on 29 May 2011. At the meeting the rugby players distributed 200 t-shirts. The rugby players called on the juveniles to also condemn violence. In July, 2013, during Batumi International Beach Rugby Tournament 8 matches were fully dedicated to the elimination of Violence against Women and Domestic Violence. One pre-match press conference was conducted with the Georgian Rugby Union and Beach Rugby Union with the special focus on elimination of Violence against Women and Domestic Violence.

121. Various initiatives aimed at providing training on domestic violence have also taken place. A University course "Main issues of Gender Equality and Combating Domestic Violence" was included in the course of the social sciences faculty as a specific subject at the Tbilisi State University. A separate chapter dedicated to domestic violence was included in the manual – "Legal Culture" intended for the 9th grade students of public schools.

122. In 2010 the Police Guiding Manual on Domestic Violence was approved by the Ministry of Internal Affairs which is being implemented in everyday work of Police Academy and the Police officers. The document enumerates the mechanisms for detection and elimination of domestic violence. Particular attention is paid to the preventive activities resulting in reducing the number of domestic violence incidents. The basic course of the academy of the Ministry of Internal Affairs of Georgia has integrated a course on domestic violence. Over 1,000 candidates for employment in patrol and district police attend the course each year. In 2011 with the participation of the Ministry of Internal Affairs, the Anti-Violence Network of Georgia, the non-governmental organization "Adra", and the Young Lawyers' Association, trainings were held for 346 employees of the Ministry of Internal Affairs.

123. The Social Service Agency in cooperation with the non-governmental organization "Public Health and Medicine Development Fund of Georgia" elaborated training program concerning referral in case of violence against children. On the basis of the program

trainings were held for the Social Service Agency employees. The State Fund conducted trainings for the representatives of administration of the State shelters. The State Fund in cooperation with the Ministry of Labour, Health and Social Affairs organized trainings for the domestic violence hotline operators.

124. On the initiative of the Interagency Council for the Prevention of Domestic Violence trainings were held for over 200 teachers and methodologists of kinder gardens in 5 different districts of Tbilisi. Trainings were held for 392 social workers and school guards all over Tbilisi concerning violence against children.

125. The State fund in cooperation with UNHCR conducted trainings in Pankisi gorge on the issues of domestic violence. Advice Center for Women "Sakhli" held trainings for the school and kinder garden teachers. The Center organized informative meetings with IDPs.

126. The Council of Europe together with UN Women, the Interagency Council for the Prevention of Domestic Violence of Georgia and the Constitutional Court of Georgia organized a regional seminar in promotion of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). With the initiative of the State Fund was organized a Conference "Domestic Violence and Criminal Legislation".

VII. Disability, basic Health and Welfare

Children with disabilities

127. In conjunction with paragraphs 42 and 43 of the Concluding Observations (CRC/C/GEO/CO/3), on 26 December 2013 the Parliament of Georgia ratified the Convention on the Right of the Persons with Disabilities. At the same time, on 20 January 2014 the Georgian Government adopted the Government plan for 2014-2016, providing equal opportunities for people with disabilities, which is elaborated according to the principles of the convention on abovementioned and considers implementation of complex measures to realize the rights of people with disabilities, among them rights of children in coming years.

128. In order to ensure the rights of children with disabilities and their individual development, self-realization and education, the state program implements different target services. The children's rehabilitation program considers rehabilitation of cerebral palsy, spin muscle atrophy and related syndromes, muscle dystrophy, connatural myopathy, primary lesion of muscles, hemi-, para- and tetraplegy, the results of central neural system inflammation and vascular diseases, results of inflammatory polyneuropathy, physical rehabilitation of 3-year-old and older children having birth trauma of peripheral nervous system, strengthening the adapting possibilities and promotion of social integration, consultations with specialists of osteoarticular diseases, therapeutic massage, physiotherapy manipulations and physical therapy. In case of necessity, children with disabilities are provided with the facilities, such as: hearing devices, cochlear implant, wheelchair, prosthesis-orthopedic material.

129. The day care center service provides activities planned according to the habilitation (rehabilitation) program, which includes feeding twice a day (except week-end and holidays), activities aimed at developing academic and functional skills and promoting household and professional skills, and access to the cultural and sport-recreational events.

130. The program for the early development of children offers early identification of development disorders, development of social, motor, cognitive, self-care and communication skills of 0-7 year old mentally and physically retarded children, for their

early recovery, psychological support for parents and teaching them specific skills of care. Other information related to programs for the realization of the rights of children with disabilities in various areas is provided under relevant sections.

Health and health services

131. According to Article 89 of the law of Georgia on healthcare, the state determines strategic directions, elaborates proper programs to promote prevention of diseases and health of population, especially among children and youth and provides their implementation. According to the law on public health, the Ministry of Labour, Health and Social Affairs of Georgia determines the health policy of mothers, children and youth and provides children and youth with adequate environment for their development. 20 special state programs (orie are in place in the country.

132. On February 28, 2013 the Universal Healthcare Program was launched for the citizens without medical insurance. The first phase of the program ensured citizens with the basic medical package, including primary health care and emergency hospitalization. Since July 1, 2013 the program has been expanded and covered expanded services of primary health care and emergency hospitalization, emergency outpatient care, planned surgeries, treatment of oncological diseases and child delivery. The program covers 3.4 mill population.

133. Health insurance and state healthcare programs are geared towards improving the health condition of population, especially of children and youth, and addressing main risks related to public healthcare as well as financial risks caused by the healthcare expenses. They also aim to increase of life expectancy and reduce mortality and morbidity rates.

134. Great attention is paid to the integration of medical services of mothers, infants and children in the state programs, in order to improve their health condition and address health problems. More than 40 guidelines and protocols are in place for the prevention and management of complications of children's diseases.

135. In order to improve the surveillance of mothers and children's health, including reproductive health, a special group was created in the National Center for Disease Control and Public Health in 2011, which analyzes the status of mothers' and children's health and elaborates recommendations for effective response by the state. In 2013, a coordination council of mothers and children health was established in the Ministry of Labor, Health and Social Affairs, for the promotion of mechanisms for planning, implementing and monitoring the measures supporting mothers' and children's health. The council studies the data of mortality and morbidity of mothers and children and prepares proposals on the basis of the capacity assessment of ante-, peri- and postnatal services, in order to determine the priorities of national healthcare program and state programs.

136. USAID supported programs implemented through John Snow Inc. (JSI) and SUSTAIN projects have facilitated scaling up of evidence-based perinatal care interventions nationwide and ensured training of perinatal care personnel. Both USAID and UNICEF support was critical in assessment of perinatal care facilities countrywide in 2013 and elaboration of the perinatal care regionalization plan for maternity services and newborn care.

137. USAID SUSTAIN program teamed with Joint Commission International developed the Perinatal Care Accreditation program which aims to ensure continues drive of health care facilities for improving the quality of perinatal care services and contributing to the reduction of maternal and infant morbidity and mortality.

138. Due to the high proportion (30-35%) of caesarean sections, pilot research of maternity houses was conducted by the financial support of JSI in June, 2013 in Tbilisi. Based on the results of the research, national clinical protocol "Caesarean section" has been developed (Order No. 01-220/o of October, 30, 2013 of the Minister of Labour, Health and Social Affairs of Georgia).

139. The mothers and children health program aims to reduce the mortality rate of mothers and infants through effective support to pregnant women and increased geographical and financial access to high-quality medical care. In the context of the program, medical services ensuring safe pregnancy and labor, reducing transferring infections from mother to child and child mortality cases are implemented. The program also provides for antenatal care of pregnant women (4 visits) and HIV-infection screening, B hepatitis and genetic pathologies. Infants and children are screened on hypothyroidism, phenylketonuria, hyperphenylalaninemia and mucoviscidosis, also screening of hearing. This program further ensures inpatient treatment of the high-risk pregnant women.

140. State immunization program has been functioning for recent two years, aiming protection of population from guided infections in the country by means of immunization.

141. The government continues supporting other state programs regarding the public health and health needs. The state programs totally cover the expenses of HIV/AIDS and tuberculosis, as well as prevention, diagnosis and medical treatment of other infection diseases. Prevention and sentinel surveillance of "basic murderers", such as cancers, oncohematologic and cardiovascular diseases are underway. Chronic conditions, such as diabetes, hemophilia, rare diseases, palliative care, mental health and others are considered in various specific programs.

142. The program of epidemiological security aims at the timely detection of communicable and non-communicable diseases in children and youth and promotes their prevention on the primary healthcare level. The program also ensures surveillance of sexually transmittable diseases and screens patients who have diseases non-associated with virus hepatitis and its risk factors in respect of HbsAg, antiHBc and antiHCV. The surveillance of nosocomial infections, diarrheal diseases, meningoencephalitis and hemorrhagic strokes, was launched 2 years ago.

143. The beneficiaries of the state health insurance program are, among others, children under 5, children with disabilities, children and women registered in the unified database of socially vulnerable families, whose rating score is not more than 70,000, and children living in boarding schools, reintegrated or living in foster care. 320,554 children from 0 to 6 years old and 95,791 children from 6 to 18 years old, are insured under the state insurance program.

144. On 28 February 2013, the universal healthcare program was launched and 2.4 million non-insured citizens entered the scheme (303,296 children, from 0 to 18 years old). The program provides children, as well as youth with urgent outpatient and inpatient treatments, ambulatory services, surgery assistance and supports women in labor. 13,773 labors were registered in the frameworks of the program and 33% of them – Caesarean.

Adolescent health

145. According to the law on health protection, the state guarantees people's right to reproductive health. In 2007, a national council of reproductive health was established, comprising state institutions, civil society, representatives of multilateral and bilateral international partner organizations. The council elaborated the strategy of reproductive health, which was presented to the Parliament of Georgia for discussion.

146. According to research on women's reproductive health carried out in 2010, the total birth-rate has increased (1.7-2.0) and total abortion rate has decreased over the last decade (3.7-1.6) in direct correlation with the increased usage of modern contraception methods (41-53%). Prevention of abortion and its complications directly depends on access to modern contraception methods and consultations of population. At present, family-planning services are integrated with the primary healthcare level, though access to contraceptions is not considered in the state strategies and budget but mainly provided through donor assistance (UNFPA, USAID).

147. In spite of a recent decrease, the number of abortions remains a major problem in the process of family-planning. The number of abortions is still higher in Georgia than in other European countries. Teenage pregnancy, as well as becoming a parent at an early age, influences their physical and psychological health. There are about 15-25 cases of pregnancy for every 1,000 teenagers in Western European countries. The rate is 2-4 times higher in the countries of Eastern and Central Europe and reaches 62 in Georgia.

148. According to the Law of Georgia on healthcare (Art. 139), voluntary termination of pregnancy is allowed only in authorized medical institutions by a certified doctor, if the duration of pregnancy does not exceed twelve weeks and a pregnant woman was interviewed in the medical institution in advance and three days of deliberation has been passed from the interview to operation. During the interview a doctor should give preference to the protection of embryo's life. Choice is a woman's prerogative.

149. In the context of the primary healthcare reform, the curriculum for the specialty of family medicine included reproductive health issues. 1,794 doctors were re-trained at the end of 2010. Family-planning guidelines were approved the same year for the reproductive health service providers.

Mental health

150. Mental health relates to multi-social, economic, biologic and environment factors. Thanks to Georgia's economically and socially stable context, the reduction in the number of new cases of mental disorders in the general population has continued, although 2008 saw an increase in the number of incidences due to the stress caused by military conflict with Russia. Incidences of mental and behavioral disorders in Georgia are among the lowest not only in Europe, but also in South Caucasus. An increasing proportion of patients with mental and behavioral disorders are on dispensary registration, with the highest rates in Imereti, Samegrelo and Shida Kartli. Research on non-communicable diseases, prepared by the Health Care Quality Improvement Program of USAID, concluded that depression screening and diagnoses is very low on outpatient clinic level (3% of ambulatory medical cards) although 45.5% of interviewed reproductive age women showed symptoms of depression.

151. In Georgia, the state mental health service program has been operating since 1995 and has developed intensively in order to improve medical service for beneficiaries. Program funding has become more flexible and increasingly oriented on the patient's needs. Patients are provided with the services of the following type: outpatient services, psycho-social rehabilitation, and psychiatric crisis intervention, inpatient service for alcohol-related mental and behavioral disorders.

152. In conjunction with paragraph 50 of the Concluding Observations (CRC/C/GEO/CO/3), the process of basic reform of the mental health sector began in 2010. It envisions a completely different institutional approach to the traditional practices of mental health issues and focuses on infrastructure development, capacity-building of

personnel, the promotion of psychiatric services for children and youth, and community-based services.

153. The creation of a psychiatric unit for children in multi-profile clinics is especially important, because due to fear of stigmatization and household conditions, parents of children and youth always refrain from bringing patients to psychiatric institutions. The psychiatric unit for children was equipped with modern medical and educational-entertainment facilities and a multi-disciplinary team created to provide adequate medical service to children and youth.

154. The state concept of mental healthcare for 2014-2024 was prepared and submitted to the Parliament for discussion. Accordingly, Georgia commits to organizing mental health services in such a way that people with mental disorder are treated in a less restrictive environment, as close with their home as possible, with due respect to their individual needs, rights, dignity and geared towards their equal, full- fledged and effective participation in social life.

HIV/AIDS

155. In spite of preventive measures carried out by local and international organizations in the country, the incidence rate of HIV infections is on the rise. In 2012, HIV infection incidence was 2.0 among 0-14 year-olds and 4.7 among 15-42 year-olds. It two times higher than the EU rate twice, although it is also three times lower than in countries of Commonwealth of Independent States. The so-called survival rate is high, meaning that most people with HIV infection continue treatment after 12 months of treatment (86%). Injection use of drugs remains the main reason for the spreading HIV infection in Georgia till 2010. In 2011, heterosexual contacts became the main reason of transmitting it, a tendency maintained in 2012

156. National HIV/AIDS Strategic Plan for 2006-2011 was elaborated in 2005, which was followed by National HIV/AIDS Strategic Plan for 2011-2016. In 2010 HIV/AIDS Routine Surveillance Guidelines were prepared and approved (N217/O Edict of the Minister of Labour, Health and Social Affairs of Georgia in 2010). The electronic database of HIV/AIDS was launched. The united coordination council for measures directed against HIV/AIDS, tuberculosis and malaria has been operating since 2007 and provides promotion of HIV/AIDS prevention and control activities and inter-sector coordination.

157. The HIV/AIDS state program goals are: timely detection of new cases of HIV/AIDS, prevention of HIV/AIDS spreading, provision of access to medical treatment for HIV/AIDS patients. The program ensures: a) voluntary consultations and testing of persons belonging to the risk group of HIV infection; b) HIV/AIDS patients' provision with the outpatient and inpatient services, except the antiretroviral medicines, which are provided by donor organizations.

158. In 2009 the Georgian Parliament approved the law on HIV /AIDS, which determines the basic principles of responsive measures to HIV/AIDS, testing individuals on HIV, medical treatment and care of HIV/AIDS patients, issues of caring them, also the rights and responsibilities of HIV/AIDS patients and medical personnel.

159. Georgia is the first and the only post-soviet country so far ensuring universal access to ARV treatment for HIV/AIDS patients according to 2004 WHO criteria, when the medical treatment (CD4<200 copy/ml) started. According to the new criteria (CD4<350 copy/ml), HIV patients are provided with 76% of ARV treatment. Thanks to universal access to treatment, the mortality rate HIV/AIDS patients has decreased significantly. In 2004 the mortality rate was 10.7 cases per 100 patients per year. It went down to 4.02 by the end of 2012.

160. HIV screening is carried out in the frameworks of the safe blood programs for mothers and children health, where antenatal screening of HIV infection and study of donor blood on HIV/AIDS are carried out.

161. Projects funded by the donor organizations currently in operation include: Strengthening the national response for effective control and prevention of malaria, HIV/AIDS and tuberculosis in Georgia and Program for expanding the HIV/AIDS prevention, treatment, care and supportive measures of Global Fund for Fight against Malaria, HIV/AIDS and Tuberculosis. The second greatest donor in the mentioned issues is USAID with HIV Prevention Project. International organizations spend a total of 11 million USD for HIV/AIDS programs.

Standard of living

162. The unified system of social protection of Georgia considers children's needs. Programs for the prevention the child abandonment provide children from 0 to 1.5-year-old with child feeding products, ensure that children from poor families at the risk of abandonment enjoy the services of day care centers, where they are provided with food and programs necessary for their development. Families, living in poverty, among them children, are provided with the monetary social support. Currently, 116,951 children receive allowance throughout the country and 391,811 children living beyond the poverty line are the recipients of the health insurance policy. In addition, in the case of death of one or both parents, children receive an allowance with the status of a child who has lost a breadwinner or status of a child with disabilities. In 2013, there were 35,900 beneficiaries. More information is provided under the section on "family environment and alternative care".

VIII. Education, Leisure and Cultural Activities

The right to education, including vocational training and guidance

163. According to The Constitution of Georgia "Everyone shall have the right to receive education and the right to free choice of a form of education" (Art. 35(1)). The education system of Georgia has undergone sweeping modernizing reforms since 2004, with a focus on the values of social inclusion, civil integration and competitiveness. Improving the quality of system outcomes and increasing equity in educational achievements were considered important goals of the reform process. General and Inclusive Education in Georgia are regulated by the law on General Education and the National Curriculum. They emphasize the importance of inclusive education, individual education plans and diversified strategies to teaching and assessments of students' performance. The law on General Education provides for free and compulsory education for all children aged 6-14.

Inclusive education

164. The Ministry of Education and Science has introduced several projects aimed at the improvement of education equity and access to education particularly for marginalized groups of pupils:

- Inclusive education has been declared as a priority of the Ministry of Education and Science
- School funding system has been modified, which now became more targeted to the needs of the individual schools (see below)
- In 2013 Ministry of Education and Science provided all pupils of Georgia with free text books
- Nearly 900 public school pupils in rural areas and high mountain zones have been provided with free transportation
- The Ministry of Education and Science implements the project Second Chance Education for Disadvantaged Children with Behavior Problems and Out of School Children in Georgia. The project is research based and aims to research and document the relevant and feasible implementation models for Second Chance Education.

165. The Government of Georgia has developed the Strategy and Action Plan for Special Education Needs for 2014-2016, with the aim to implement the principles of the Convention on the Rights of Persons with Disabilities. Georgia as a United Nations Member State has recognized the Salamanca Statement on Principles, Policy and Practice in Special Need Education.

166. In 2009-2010, the Ministry of Education and Science of Georgia carried out an assessment of all 14 special schools of Georgia. After assessment was reformed the system and was left 8 Special schools instead of 14: 1 for blind and low vision, 2 for Deaf and Hard-of-Hearing, 1 Behavior and 4 for Mentally Disorder.

167. In 2009-2010 the Ministry of Education and Science and the NGO Save the Children conducted an assessment of deaf and hearing impaired children attending special schools within the framework of USAID-funded project Supporting Equal Opportunities for People with Disabilities. The purpose was to eradicate the Soviet idea of defectology in assessed schools. Defectology was substituted by modern approaches that support the continuation of every child's development and learning notwithstanding his/her speech and hearing abilities. Besides, the special schools work on developing child's speech and hearing skills by using new generation (modern technology) hearing aids as well as by introducing improved methods of speech development. Sign language and other communication means became the basis of teaching and learning processes and should be taught from Grade 1. Teaching methods and curricula were brought in compliance with recognized child development and national curricula requirements. In 2013 the Ministry of Education and Science provided the special school for blind pupil with the text books with Braille for the first time in two decades.

168. Traditionally, a significant part of financial resources of schools has been secured by state budget funds. Now a system of vouchers allows schools to receive state funding according to the number of students they serve. The primary goal of this reform is to provide fair and effective funding of schools. Until 2013, public schools did not get any additional funds for Special Education Needs. Since then, the Ministry of Education and Science has started to finance the salary of special teachers at schools. All special schools get a voucher for each Special Education Need pupil. The Ministry of Education and Science of Georgia also carries out the project Special Education Need Child's Support Program at Special schools. Through this program the Ministry supports boarding house, medical insurance and close only for the pupil, who get education at special schools.

169. The Ministry of Education and Science of Georgia started implementation of Inclusive Education in Vocational Education and Training system in 2013. This new approach is supported by Norwegian Ministry of Education and Research in the frames of

project, Introduction of Inclusive Education in Vocational Education and Training (VET) System in Georgia. The purpose of the project is to:

1. Creation Recommendation for changes on Legislation level;
2. Increasing role of social partners in the process;
3. Development of Human resources in VET for effective practice;
4. Preparing physical environment for people with special needs in VET;
5. Recruitment of Special Need Children and Their involvement in VET centers.

170. The Ministry of Education and Science created and proved the special procedures of Vocational assessment. In 2013 nearly 51 Special Education Need people were registered at 11 Vocational Education centers and assessed by Multidisciplinary team.

171. Special education teachers in Georgia represent a small group of specialists, working with pupils with special needs in both, regular and special schools. The majority of special educators are employed as assistant teachers, the rest are coordinators of inclusive education.

172. The following degrees are available for special educators:

- Bachelor degree in so called "defectology" or special needs education
- Bachelor/master degree in pedagogy, psychology and so on, additional trainings and courses in special education
- Master program for Special Teacher, which will begin to operate in 2014.

173. In order to promote continuing professional development of special educators', professional standards for special education teachers were set up by the Teachers Professional Development Centre (TPDC) and approved by the Ministry of Education and Science of Georgia in 2010.

174. The TPDC provides the following support teachers to meet different needs of students:

- In-service trainings for regular teachers – Training module was established and piloted in 2011. The topics of training were defined based on pilot outcomes. Training module consists of 25 contact hours and describes teaching environment and methodologies helping the teacher to meet different needs of the pupils (including those with special education needs). Abovementioned training course is provided in regions as well as in Tbilisi. Almost all regions of Georgia have been covered and more than 3,000 teachers have been trained.
- Individual consulting program – TPDC provides individual consulting program for regular teachers, for whom trainings are not helpful-informative enough and need additional help in teaching students with special needs, can apply to the centre and ask for consultancy. Consultants form the centre will assist regular teacher in defining appropriate teaching strategies, making individual goals, organizing teaching environment for the particular student with special need.

175. A special training course for special educators provided by the TPDC was established and piloted in 2012. The course consists of 75 contact hours. The main topics are:

- Developmental disorders
- Learning difficulties and effective teaching strategies Development of individual education plan
- Behavior disorder and classroom management.

176. The training course is accessible for all specialists working at school (regular teachers, special teachers, inclusive education coordinators, psychologists, occupational therapists, speech therapists, etc.). Since April 2013 five courses in special education have been conducted; the number of participants in each group varied from 15 to 25.

IX. Special protection measures

Refugee children

177. The Refugee and Repatriation Division of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia collects data about refugee children. According to the database, there are 146 refugee children. Although the Division collects such information during profiling procedures, disaggregated data and information on children disability and child abuse is not reflected in the database of refugees. No unaccompanied refugee children is registered.

178. The cases of unaccompanied asylum seeker children are considered under the Georgian Law of Refugees and Humanitarian Statuses (Art. 8). The Refugee and Repatriation Division of the Ministry is dealing with one case of minor unaccompanied asylum seeker. In accordance with the Law on Refugees a guardian has been assigned to him and all relevant asylum procedures will be conducted under his supervision.

179. Refugees in Georgia, including children, are provided with health insurance free of charge. The costs of the health insurance are covered by the UNHCR office in Georgia.

180. An educational project run by the KRDF (Kakheti Regional Development Fund) is implemented in the villages of Pankisi Gorge. Within the framework of the project refugee children from Chechnya are attending different courses such as English language and computer, Georgian and Chechen language courses. Refugee children are attending a courses of sewing as well.

Internally displaced children

181. The number of internally displaced children in the country amounts to 72,413. They benefit from the general healthcare service, which is provided free of charge by the Government of Georgia for all the children with IDP status.

182. In conjunction with the paragraph 60 of the Concluding Observations (CRC/C/GEO/CO/3), in order to make all the services available for internally displaced children, including healthcare, education, etc., a change in the housing policy was made for the new government to allocate houses in Tbilisi to IDPs, which was not allowed before. The rationale is that IDPs have been living in the capital city for years and have reached a certain level of integration there.

183. In conjunction with the Subparagraph "a" of the paragraph 60 of the Concluding Observations (CRC/C/GEO/CO/3), the Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia was adopted in 1996 and revised three times since then. In 2013, an analysis of the Law showed a need for considerable improvement. A Draft

Law aims to put in place legal mechanisms to ensure emergency assistance in case of forced displacement and the protection of IDPs rights during the whole period of displacement.

184. One of the important changes is the widening of the definition of an internally displaced person as: "A citizen of Georgia or a person with a status of person without citizenship in Georgia can be qualified as an IDP who was forced to leave his/her place of permanent residence due to a danger of his/her of health or life or that of his/her family members as a result occupation of territory by a foreign state, aggression, armed conflict, mass violence and/or mass violation of human rights and/or impossibility of his/her return to the place of permanent residence due to the above-mentioned reasons." With such a formulation, the Law will not only protect the rights of those persons who lived on currently occupied territories, but also those who suffered as a result of the occupation.

185. One of the most valuable changes in the new draft Law is the creation of a uniformed, non-discriminatory approach to all IDPs. In particular, such notions as "IDP Collective Center" "IDPs living in the private sector" will be annulled, ensuring the equal distribution of housing and benefits, such as governmental allowance and possibility to receive payment for communal facilities. It is planned that all IDPs will receive equal governmental allowance in amount of 45 GEL (20 EUR), instead of current 22-28 GEL, which vary dependent on type of accommodation. At the same time, all IDPs will pay their own communal expenses that are additional step towards integration.

186. The draft law lists the reasons for suspension, termination and reinstatement of IDP allowance. It also specifies IDPs protection measures with regards to accommodation and regulations on their eviction from temporary accommodation. Specifically, measures to be carried out by central and local government for the eviction of IDPs from spaces transferred for legal ownership to third persons, while ensuring their dignity, security and freedom.

187. In conjunction with the subparagraphs "b", "c" and "d" of the paragraph 60 of the Concluding Observations (CRC/C/GEO/CO/3), in order to make the housing allocation process transparent and based on needs, the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees has issued on 9 August 2013 the Order N320 on "Approval of Rules, Criteria and Regulations of Commission on Studying of IDP Issues", which set up the procedures of allocation of houses to IDPs, using criteria and living standards. The "Rules" set special privileges for persons with disabilities. Before that, no mandatory act regulated the allocation of accommodation.

188. 188. The guiding principles, criteria and procedures of Durable Housing Solution (DHS) to IDPs were developed by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia in close cooperation with civil society organizations. The criteria are based on the Law of Georgia, UN guiding principles on forced displacement, the State Strategy on IDPs approved by the Government of Georgia in 2007 and the Action Plan for implementation of the State Strategy on IDPs 2012-2014 adopted by the Government of Georgia on 13 June 2012. The criteria are based on the principles of voluntary and informed decision, family unity, special protection of minors left without families or a guardian/caregiver, adequate accommodation, access to documentation and public services, publicity and transparency.

Economic exploitation, including child labour

189. According to the Labour Code of Georgia, an individual can engage in work from the age of 16 with the consent of their legal representative or body of guardianship/custody, if the labor relation is not against their interests, does not harm them morally, physically or

mentally and does not prevent them from receiving compulsory primary and basic education.

190. In accordance with the requirements of the ILO Convention 138 concerning Minimum Age for Admission to Employment, the Labour Code of Georgia provides that conclusion of a labor contract with the minor is prohibited if the contract includes heavy, hazardous and dangerous work, which consequently precludes the use of child labor in "mines and quarries, manufacturing industry, construction, electric, air and water supplying services, sanitary-technical services, transportation, warehouses and communication services, also in plantations and other agricultural industries, mainly producing for commercial purposes" (Art. 5, para. 3 of the Convention). In addition, according to the acting legislation, on the basis of the Edict of the Minister of Labour, health and Social Affairs of Georgia (N147N, May 3, 2007) "the list of heavy and dangerous work" and "hygienic classification of working conditions according to the factors of industrial environment and danger of the work" were determined. In compliance with Article 7 of the Convention and the acting legislation of Georgia, employment of a minor is prohibited in night work (from 10PM to 6 AM). Furthermore, conclusion of an agreement with a minor for carrying out work in connection with the gambling business, night entertainment facilities, erotic and pornographic products, production of pharmaceutical or toxic substances, their transportation and realization, is prohibited, in accordance with Article 4, paragraph 1 and Article 3, subparagraphs B and D of the Convention.

191. The Note of Article 1431 of CCG determines the term of exploitation as the use of a person, including a minor, for constrained work or services, involving them in criminal or anti-social action or prostitution, sexual exploitation or other services, putting in slavery-like conditions or in modern conditions of slavery, as well as the forced usage of a body organ, part of organ or tissue, or others. The Criminal Code defines human slavery in modern conditions as seizure of the identity document, restriction of free movement, restriction of family communication, including prohibition of correspondence and telephone contacts, cultural isolation, and compulsion to work in degrading conditions or without any remuneration, or for inadequate compensation. Consent of a person for his/her premeditated exploitation shall not be taken into account.

192. Despite the fact that children's protection from exploitation represents one of the most important priorities of the country, a number of gaps remains in particular concerning data on child exploitation. Information on child exploitation is described in the report prepared by the Public Defender's office of Georgia. The LEPL State Care Agency adopted relevant measures in line with the Public Defender's findings and recommendations.

193. Joint edict N152/N-N496-N45/N of the Minister of Labour, Health and Social Affairs of Georgia, the Minister of Internal Affairs of Georgia and the Minister of Education and Science of Georgia of 31 May 2010 (described above as the National Referral Mechanism) provides for the protection of children from labor or other forms of exploitation, timely detection and response mechanisms. When child victims of violence and exploitation are discovered, they are transferred to the shelters of LEPL State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking, where they undergo the relevant psychological and social rehabilitation course. Partner non-governmental organizations show great support in this process.

Street children

194. In conjunction with paragraph 65 of the Concluding Observations (CRC/C/GEO/CO/3) of the Committee, the state "Program for Providing Shelter for Homeless Children" provides for homeless children's primary needs (shelter, feeding, health) and offers psychological support and education and professional programs, taking

their capacities into account. In relation to policies, an interagency coordination council has been created in the context of the action plan of child care and wellbeing for 2012-2015. The working groups in place within the council comprise the representatives of the corresponding institutions and work towards addressing the needs identified for the target group: group working on educational needs, group working on medical needs, group working on documentations, group working on referral issues, group working on service concepts, group working on public awareness, group working on staff trainings and qualification issues and group working on legislative amendments.

195. The state recognizes the necessity of launching crisis centers in order to address the problem of homeless children, or so-called "street" children, as a major goal. The activity of these crisis centers will be focused on implementation of rehabilitation, educational and vocational programs, corresponding to children's interests. A multidisciplinary team will work with children, who have different problems, necessities and interests.

196. Since 2012, the Ministry of Labour, Health and Social Affairs of Georgia, together with LEPL Social Service Agency and with the help of UN Children's Fund, has been implementing a project "New initiative towards the children, living and/or working in streets" financed by EU. Under the project, the direct provider and partner organizations are: Caritas Georgia, Child and Environment and World Vision International, country office in Georgia. The goal of the project is the development of a full-fledged system for the reintegration of children living and working in streets into society, that is state-funded and community based.

197. Regarding service provision, the project envisions the creation of 3 mobile groups in direct contact with children, 3 day care centers, 2 crisis intervention shelters and 2 transit shelters. In January 2014 three mobile groups and 1 day care center were already operating actively

198. Currently, Tbilisi Child Crisis Center continues operating for 40 children. Psychologists, as well as teachers/group leaders for promoting the vocational, educational, cultural and sport studies, social worker is involved in the activities of the institution. The personnel of the institution, together with the social service, implements necessary procedures, provides them with insurance vouchers and the relevant educative activities (development of the basic skills, eradication of academic backlog, gaining orientation skills, provision of professional education, inclusion in secondary education).

Sexual exploitation of children

199. In November 2012, within the framework of Council of Europe Convention on Cybercrime, a Specialized Cybercrime Unit was established within the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia. This Unit is the main body that carries out prevention, detection, suppression and investigation of online child pornographic crimes. Since its establishment, Specialized Cybercrime Unit successfully managed to block one offender from global access to a certain Georgian website that was used for uploading videos containing child pornographic images.

200. The Government of Georgia considers that the lengthy and complex nature of Mutual Legal Assistance procedures represents a major challenge to combating child online sexual abuse since it hinders the timely sharing of key investigative information in certain circumstances on international level. In the process of enhancing international cooperation against online child pornography, the Specialized Cybercrime Unit also operates as the 24/7 international contact point, as required by the 2001 Council of Europe Convention on Cybercrime Nowadays. Through this Unit, it is possible to send and receive police

cooperation requests about online child pornography offences without going through the Mutual Legal Assistance procedures.

201. In December of 2012 the Government of Georgia signed the declaration on Global Alliance against child sexual abuse online, initiated by EU and supported by the USA State Department of Justice. As a result of Alliance members' cooperation, one case of child pornography has been revealed and investigated by the law enforcements agencies of Georgia, Israel and US Federal Bureau of Investigation (FBI) in 2013.

Trafficking

202. In conjunction with paragraph 68 of the Concluding Observations (CRC/C/GEO/CO/3) of the Committee, in April 2012, pursuant to the recommendation of the Group of Experts on Action against Trafficking in Human Beings (GRETA)[19] the Government of Georgia amended the 2006 Law on Combating Trafficking (LCT) and added a new chapter on child victims of trafficking in human beings, including individual risk assessment on the basis of the child's best interests. Within the current set up of the Inter-agency council to combat trafficking in persons system in Georgia, children who are victims of trafficking but also children accompanying their parents who have been trafficked have entitlements and when the need arises, receive appropriate accommodation, age specific education and support programs tailored to the needs of the child. With this amendment Georgian legislation fully regulates issues regarding children in trafficking in line with international standards.

203. Besides the LCT, the CCG criminalizes the trafficking in human beings. Article 1431 of the CCG prohibits selling or buying a person or carrying out any other form of illegal transactions, as well as enticing, transferring, harboring or receiving a person by means of coercion, blackmail or deception, by using vulnerable situation or abusing of power, with the purpose of exploitation. In addition, Article 1432 of the CCG prohibits trafficking against minors – selling or buying of a minor or carrying out any illegal agreement transaction, hide, hire, transportation, harboring or receive with the purpose of exploitation. Sanction for this crime is deprivation of liberty from 8 to 12 years. If trafficking in minors is committed in aggravating circumstances, sanctions increases up to 17 years. If the act caused the death of minor, the perpetrator will be punished by deprivation of liberty from 17 to 20 years or life imprisonment.[20]

204. Government of Georgia started to revise current Criminal THB legislation to correspond to the modern forms of trafficking in persons. In this regard number of activities were implemented:

(a) In April 2013 Working Group was established under the THB Council to revise the respective Article of Criminal Code of Georgia and improve identified gaps. The Working Group was composed of the representatives from governmental and non-governmental agencies, representatives of International organizations and the US Embassy in Georgia. WG drafted the amendment of note of Article 1431 of CCG in order to respond to the up to date challenges of trafficking in persons. The note defines the term of exploitation. After entry into force the amendments, the CCG will be more unambiguous in the light of THB and its application will be considerably easier for investigatory as well as judicial bodies. The draft of the Law reflects the recommendation of US Government regarding the non-physical forms of coercion. Interagency meetings of the WG were held.

[19] GRETA report, paras. 17 & 221.

[20] Art. 1432, Criminal Code of Georgia (1999).

In addition, the consultative meetings were held with the professors of Criminal Law to discuss the issues related to THB Article and legislative gaps.

In the end of 2013 the final draft of the CCG amendments was sent for the international expertise in UNODC and IOM head office;

(b) Furthermore, in April 2013 another Working Group was established under the THB Council to discuss finished THB cases in order to reveal new trends of the crime. Prosecutors, judges, representatives of Ministry of Internal Affairs, Supreme Court and Secretariat of THB Council participated in WG process. The WG analyzed the finished and terminated THB cases on both sexual exploitation and forced labor;

(c) In April 2012 the Government of Georgia (Order N762) has also adopted National Action Plan 2012-2015 for Child Welfare and Protection and established Inter-agency Coordinating Council for its implementation. The Council among other issues also deals with street children. Ministry of Labor, Health and Social Affairs of Georgia in close cooperation with UNICEF and EU conducts project on so called "street children". Within the mentioned project Working Groups as well as the task forces are created on particular issues related to street children, like the child identification, registration, etc.

205. With the assistance of International Organization on Migration, in May and July 2013, an invited international expert and local trainers conducted trainings for police officers on "evidence gathering on TIP cases". The agenda envisaged teaching of specific skills on cooperation with juveniles. 37 Specialized police officers attended the trainings. In 2007-2013 criminal investigation was initiated on 29 trafficking cases (in particular, trafficking against minor) and 37 persons were prosecuted.

Administration of juvenile justice

206. Juvenile Justice is one of the key priorities for the Government of Georgia. Juvenile Justice (JJ) Reform is part of the overall Criminal Justice Reform in Georgia that is led by the Criminal Justice Reform Inter-Agency Coordination Council (the Council).[21] In 2009, the Council adopted the Criminal Justice Reform Strategy and its respective Action Plan, which includes a specific chapter on JJ. The JJ Strategy was drafted by a specially mandated JJ Working Group. The JJ Strategy and Action Plan address prevention of juvenile delinquency, improvement of fair trial guarantees, promotion of alternatives to criminal proceedings/prosecution, provision of education, reintegration and rehabilitation schemes for children in conflict with law. For detailed information please refer to Annex II.

Minimum age of criminal responsibility

207. In conjunction with paragraph 73 of the Concluding Observations (CRC/C/GEO/CO/3), in accordance with article 80 of the Criminal Code of Georgia, the minimum age for criminal responsibility is 14 year. Therefore, persons aged from 14 to 18, committing a crime are called Juvenile offenders.

208. In February 2010 CCG was amended establishing the minimum age of criminal responsibility at 14 years.[22]

[21] Established by Decree (on "Approving the Composition and Statute of the Inter-Agency Coordination Council implementing the Criminal Justice Reform") of the President of Georgia, No. 591, 13 December 2008.

[22] Art. 33, Criminal Code of Georgia (1999).

Children belonging to minority groups

209. In conjunction with paragraph 77 of the Concluding Observations (CRC/C/GEO/CO/3) of the Committee, in Georgia children of ethnic minorities are supported to get knowledge in their own languages. The National Curriculum gives the opportunity to other minorities to study their native languages as well. Besides, ethnic minorities are taught of history and geography, culture and tradition of their historical countries. On the other hand ethnic minorities are provided with learning of state language in order to realize their abilities, be integrated and successful in the society.